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WOMEN UNDER THE FACTORY ACT

PART I.—POSITION OF THE EMPLOYER
PART II.—POSITION OF THE EMPLOYED

BY

NORA VYNNE AND HELEN BLACKBURN

With the Assistance of

H. W. ALLASON, M.A., SOLICITOR,

on Certain Technical Points of Law

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PREFACE

AFTER the Factory and Workshops Amendment Act of 1901 had consolidated the industrial law of Great Britain and Ireland, the Committee of the Freedom of Labour Defence felt that a description of the provisions of the law, in so far as they affect women, couched in simple language so that the ordinary reader might be able to understand how the law affects women's work, would be a material assistance to workers.

Accordingly, in this little volume Miss Vynne, with the assistance of Mr Allason on technical points of law, has sought to range the complicated regulations laid down for our complicated industries in such a manner as to enable the reader to at once distinguish between provisions of universal application and those of special application—those which, like the sunshine, fall

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upon all, and those which concern special circumstances.

The provisions essential for health, for security of life or limb, which are the right of all workers, which no good employer would wish to neglect, and no bad employer should be suffered to neglect, are distinguished in these pages from provisions which apply to personal conduct such as all self-respecting persons should order for themselves, with due observation of the universal duty of all not to injure others. The distinction is also carefully preserved between offences which create no real wrong, and are "technical offences" only, and those which do actual wrong.

It is hoped this book may be of service to workers desirous of fulfilling the first duty of a good citizen, which is to be law-abiding, and desirous also of fulfilling the further duty of a good citizen in protesting against such regulations as force them to be dependent on rules, and lessen self-reliance, although without self-reliance there can be none of the friendly give and take which makes "man the joy of man."

HELEN BLACKBURN.

18 GREYCOAT GARDENS,
WESTMINSTER, *4th Oct.* 1902.

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WOMEN UNDER THE FACTORY ACT

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INTRODUCTION

THE Factory Act, as consolidated and amended in Parliament in 1901, came into force on 1st January 1902, and the practical and reasonable modifications of hard and fast rules allowed by it should be welcomed equally by employers and employed, and by such of the advocates of restriction as are inspired by a sincere belief that restrictions really tend to the good of the persons restricted.

No restriction necessary for the health or fair treatment of workers is abolished or relaxed, indeed the number of such restrictions is increased; but in many cases where rules are unnecessary and irritating, exceptions are made, or may be made, at the discretion of the Home Secretary,

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and the position of home workers is strengthened by the removal of the one just objection to home work, namely, the danger to the public from work being done in infected houses.

The tendency to fit rules to the requirements of human nature and the changes of weather and seasons is, perhaps, the most marked characteristic of the Bill. As it stands, it is by no means perfect. It still in many cases practically penalises industry in women, and confuses right and wrong by putting in the same category the man guilty of cruelty and greed and the man absolutely innocent of either[1]; and again, in the clauses dealing with home work, practically penalising two blameless people for the wrongdoing of a third. But it is a step in the right direction; so long a step, indeed, that the more optimistic

[1] For an illustration of this, see Report of H.M. Chief Inspector of Factories for 1901, page 100, in which an inspector is quoted as deploring the fact that he could not secure a conviction of an employer who had admitted a boy who had come to the factory by mistake, because the alternative was to leave him in the streets all night—an act of good nature commended by the magistrate; and then goes on to deplore time cribbing, with no increase whatever of reprobation; thus putting in the same category an act of careless good nature and deliberate theft of the most cruel and contemptible kind—namely, the robbing of the poor by the well-to-do.

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among us may hope that before very long the Factory Inspectors will have realised that their duty is to prevent oppression, not to oppress, and that they are free to use the discretion the Home Secretary stated in debate that he expected from them,[1] and not think it necessary to put the Act in force where no wrong has been done, even though the letter of it may have been disregarded.

The second, and equally important characteristic of the Bill is its tendency to vest authority in District Councils and the Home Secretary, rather than leave it altogether in the hands of Factory Inspectors. In certain instances the duty of the latter will simply be to report to the District Council; in other cases they can only act with the sanction of the Home Secretary. Of course there is a certain amount of danger in confiding so large a power as the Act now gives the Home Secretary to one man. A change of ministry might, at any time, give us a Home Secretary of pronounced trade union sympathies, and women workers might suffer severely in consequence. But even

[1] In Committee on the Factories and Workshops Act Amendment Bill.

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in such a case the action of the Home Secretary would be open to discussion in Parliament.

Moreover, District Councils and Home Secretaries are elected by the public, and the public has its remedy if there is cause of complaint; their duties are impartial, being equally towards employers, employed, and the general public; their interference is therefore very much less galling than that of a Factory Inspector who is not elected by the people he controls, and owes no duties whatever to the employer. Moreover, some Factory Inspectors have expressed views regarding female labour—the labour principally affected by the Act—which renders it impossible to believe that they come to their work with impartial minds.[1] Again, whatever we

[1] See the pamphlet on overtime issued by the Women's Trade Union League, in which the opinions expressed by numerous inspectors show strong objection to overtime as overtime.

Mr. Junior Sub-Inspector Brewer:—"The best hours for work would be between 8 a.m. and 7 p.m. I should allow of no employment of women or children except between those hours." Sub-Inspector Blenkensop:—"Even in what are called season trades I would allow as few modifications as possible; modifications are a nuisance."

"Mr. W. H. Johnston, Factory Inspector, says:—'In general they find, I think, that as much work can be done in shorter hours as in the longer, because they work harder while they are at it.'

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may hope for the future, at present smaller officials, even if unprejudiced, knowing that they may not use their discretion beyond a certain limit, have a tendency not to use it at all, but to cling to the letter of the rule, even where enforcing the letter breaks the spirit of it. We all know the story of the hospital orderly at the front who, going to administer a sleeping draught—obtained with much difficulty—to a patient who had been sleepless for a week, found him in a sound natural sleep, and woke him up to ad-

"Mr Johnston further urged that women would produce as much in the shorter hours of labour as they now produce in the comparatively long hours, and would earn as much in wages; he thought it most prejudicial to workpeople to be kept till 8 o'clock at night."

It will be seen that these gentlemen write as if the world went by clockwork and emergencies never occurred; and also that the trouble of inspection in regard to overtime is not altogether without its influence; but they should remember that they exist for the convenience of the workers—the workers do not exist to provide easy objects of inspection for them. Moreover, no one would dream of applying Mr Johnston's theory to actresses, servants, ship-stewards, or nurses, or any women whose late work benefits the public. We presume Mr Johnston would not think it "prejudicial" to his maid to serve him with a meal or to put the children to bed after eight—it is only the women working for their own needs to whom he would deny this liberty. But apart from any discussion as to the right or wrong of overtime, it is clear that the gentlemen quoted in the pamphlet have formed strong opinions, and therefore cannot be regarded as impartial arbiters.

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minister the sleeping draught. One can scarcely blame the man. Obedience to the letter of his orders was his duty and habit, but it would have been better for the patient could the matter have been referred to an authority with power to use discretion.

The first purpose of this book is to make clear to women, and to the employers of women, what they may do, and what they may not do, under the Factory Act as now amended and constituted. The daily Press has reported so many cases of ignorance among women workers and the employers of women, and indeed, on one occasion, even of a magistrate, of how many innocent, not to say praiseworthy, actions are illegal when performed by women, that the authors cannot but believe such a book as the present may be generally useful.

There have been already several handbooks to the Act published for the use of the legal profession. It is, of course, not intended for a moment that the present book should compete with them; it has been, however, revised by a solicitor, in order to make sure that correct reading of the law has

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not been lost through the use of simpler language than that used in Acts of Parliament.

The second purpose of the book is to bring before the public—or at least so much of it as takes an interest in the question of women's work—the exact legal status of women workers among the poor.

The present writer has again and again, in discussing the question of restriction *versus* liberty, been met by the response, "Oh, but that would never be tolerated for a moment; England is a free country after all!" *when the restriction under discussion was already in force.* The general public does not know—many even of those who support the principle of restriction do not know—to what an extent the liberty of the poor women is restricted already, while the liberty of their richer sisters is unchecked.

The third hope of the authors—for indeed it is hardly strong enough to count as a purpose of the book—is that some at least among those who support and work for restriction from sincere belief that it acts for the good of those restricted, will see how widely different are restriction and

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protection, and that their sympathy has been worked upon in interests other than the interest of the women workers whom they imagine themselves protecting.

A witness under examination before a labour commission some years ago, complained that women's labour reduced men's wages. "But," asked the Examiner, "haven't the women a right to live?" "Yes," was the answer, "if they don't interfere with us!"

There are those who think all workers have an equal right to live irrespective of sex, and there are those who think that men should have first chance. Each party has a right to have its own opinion—to maintain that opinion and fight for it—but none have a right to shelter sex rivalry, trade rivalry, or political rivalry under the cloak of philanthropy, and so win on false pretensions support they might not otherwise obtain. The political parties of male dominance, of trade unionism, and of socialism, all have a right to exist, and to obtain exactly as much support as they can obtain by a frank display of their merits and tendency. Whether they are right or wrong is not the point

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here. The point is whether the Factory Acts, which profess (so far as they concern women) to exist solely for the benefit of women workers, are not of such a nature that they can be used—and occasionally are used—for the oppression, or at least restraint, of women, in the interests of male dominance, trades unionism, and socialism; and we would refer our readers to the cases quoted throughout this book, and to the extracts from the printed opinions of Factory Inspectors already given.

With regard to home work, one quotation from the printed report of Miss Abraham (Mrs Tennant) when Principal Lady Inspector of Factories we give here, because it is the crux of the whole matter:—

"WE MUST DRIVE THEM INTO THE FACTORIES."

The position of the Freedom of Labour Defence is that it is as unjust to "drive" the poor where they do not want to go as it would be to "drive" the rich in a similar manner, so long as both are going about their own business honestly; and that the public being safe-guarded against infection by law, the law has done enough, and any attempt

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to "drive" women who prefer to stay at home to become factory workers is as unnecessary as it is cruel.

This book does not deal with any restriction of child labour, for the very obvious reason that children are children, and as such not capable of judging for themselves, and we would maintain that the claim that grown women should not be treated as children by no means implies indifference to ill-treatment of children. Moreover, it must be kept in mind that children of all classes and of both sexes are restricted from doing what may be harmful to them, and protected from harm from others, either by natural guardians or by the law. One class only of one sex among adults is under special restrictions. When these restrictions, even if enforced in good faith for the supposed benefit of the women, result in throwing women out of work, they are apt to create evils greater than the evils they cure, since starvation is the greatest of all physical sufferings. When they are enforced in "indiscreet" obedience to the mere letter of the law (in cases where it is admitted that no wrong has been done nor any suffering

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caused), or from trade or sex rivalry,[1] they become an oppression contrary to all justice and common sense.

Regulations as to sanitation, ventilation, and safety, again, are on an altogether different plane from regulations as to the hours of labour. The former are not under the control of the workers, but the workers are affected by them. When the law steps in and says to an employer, "You have no right to injure your neighbour, therefore keep your premises in such a state that they will injure no one," this is "protection," and all reasonable people approve, though there may be differences of opinion as to details. The law in this case does no more in the case of the employer of labour than it did in the case of the eccentric millionaire who kept lions insecurely fastened in his garden, or the equally eccentric lady who kept pigs in her bedroom. When the law says to a working woman, "You must not make clothes in an infected house, and so injure your neighbours," all just people approve, for no just person supposes that anyone has a right to make his living at the unnecessary risk of death or

[1] See instances, pages 49, 124, and 136.

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injury to his neighbours; but when the law says to a working woman, "No matter what your need or your ability, you shall not work except within stated hours," this is unjust restriction applied to one sex and one class alone, and it is difficult to see how anyone can really approve it, though easy to see why certain political sections may advocate it.

We have, however, given the rules for safety and sanitation in full, as, though on first reading they would seem to apply only to large manufactories which are rarely owned by women, they would apply equally, in case of injury or accident, when the machinery was only sewing-machines worked by steam, and there are many forewomen employed in larger manufactories who should have full knowledge in these matters.

This book advises working women to obey the law as it stands, by no means because the writer holds the idea so often quoted that law must be obeyed, right or wrong. If that were so, half of the kingdom, or thereabouts, would be in prison. The law has no dignity and no sacredness whatever, except such as it derives from being the expression of the sense of right and

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wrong inherent in all sane people. The law cannot make an innocent action into a crime. A man who went to a football match outside his own parish might be a perfectly blameless, honourable, and reputable citizen, though he broke the law once a week during the season.[1] A woman, strong, industrious, and in need of money, has not committed a crime, and knows she has not, if she works five or ten minutes longer that the statutory time, in order to finish a piece of work and get the money for it. The law cannot make such an action into a crime, but, unfortunately, it can punish such an act as if it were a crime, and, still more unfortunately, it punishes the person who has not committed it—the employer of the woman —even though it should be found he was ignorant of the woman's action and had done his best to prevent it.

We have, therefore, strongly urged women to keep the rules, lest harassed masters should dismiss them, and so women's fields of labour be further narrowed. But we should urge the public to remember that obedience does not necessarily mean content: that the good of the

[1] Forbidden by 1 Car., c. I.

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race theory is nonsense when applied to one sex and one section of it alone, and that the physical inferiority of women is in itself a sufficient handicap in the struggle for life without the imposition of legal disabilities.[1]

[1] There is bound to be a good deal of repetition in a book intended for the use of busy people: the same instances, and occasionally the same comments, will be found in Part I devoted to the duties of the employers, and in Part II which deals with the employees, in order to make each Part sufficiently clear to serve its purpose among those it concerns without reference to the other Part. For the same reasons, certain passages from the prefaces reappear in each of the subsequent Parts.

NOTICE TO THE READER.

The numbering of the paragraphs is for convenience of reference.

The marginal figures refer direct to the Act.

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PART I

THE POSITION OF EMPLOYERS

THIS chapter purposes to deal with the Act as it concerns employers only, putting their duties in simple language for the convenience of employers having no time to make a special study of the Act. Much of the information will be unnecessary in the cases of large factories, or well-to-do employers who can easily obtain good legal advice; but our aim is to help the smaller and humbler employers who, working with their employees, have no leisure to make a special study of the laws restraining them—laws so intricate that even a magistrate has been known to express ignorance not unmixed with indignation.

No employer is released from any duty towards his workpeople in the smallest degree; that is to

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say, every provision for the health and comfort of the workers, such as a fair employer would make of his own free-will—and an unfair employer should be forced by law to make—must be made still; but various vexatious and irritating restrictions which harassed and disturbed both employers and employed are now practically removed, or may be removed by the Home Secretary, should he be convinced that the removal of these restrictions will be beneficial and not injurious.

CLEANLINESS.

§§ 1 and 2. Sanitary conditions.

1. Every factory must be kept clean and free from foul smells arising from drains and the like, and no factory must be so overcrowded as to be dangerous to the health of the workers, but must be so ventilated that the unavoidable dirt, gas, or other impurities created by the work shall be rendered harmless so far as is practicable.

No one is injured by this rule, for obviously an unjust person is not injured but benefited when he is taught that his unjust practices will not be tolerated by the law or his fellow-men.

2. The provisions of section 91 of the Public

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Health Act 1895 do not apply to factories, workshops, or workplaces not kept in a cleanly state, or not ventilated or overcrowded, to which this section applies. These are governed by the Factory and Workshops Act of 1901.

This merely withdraws the supervision of factories from the Local Sanitary Authority and gives power to the Factory Inspector. It is to be regretted that the inaction of the Sanitary Authorities made this step necessary. The duties of the Sanitary Inspector were of an impartial nature; his position demands that he shall be without bias towards either employer, employed, or the general public; whereas the Factory Inspector has no duties towards the employer, and a good advocate cannot be a good judge.

3. All parts of a factory must be lime-washed once every fourteen months (the fourteen months to date from the last lime-washing), unless they have been painted in oils or varnished once at least within seven years, in which case they must be washed with hot water and soap at least once in every fourteen months.

4. *Exception.* The Home Secretary may except

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special factories or parts thereof, where he considers, by reason of the nature of the work or the class of the factory, that white-washing is unnecessary.

5. Factories, workshops, or work-places excepted from the Factory and Workshops Act 1901,[1] come under the provisions of section 91 of the Public Health Act of 1875.

The reason of this is quite simple. Factories are only excepted from the Public Health Act when they come under the more stringently enforced requirements of the Factory Act. When released from the provisions of the Factory and Workshops Act 1901, factories, workshops, and work-places are under the same rules and must still be kept free from every nuisance, such as smells from drains, bad ventilation, overcrowding, etc.; and the Medical Officer of Health, or the Inspector of Nuisances, has power to take action against the employer for any neglect likely to injure the public health. The public health includes, of course, the health of his workpeople.

[1] See Paragraphs 202 and 236 for the exceptions from the Factory Act.

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The penalty for any neglect of stipulated white-washing, etc., is a fine not exceeding 10s. for every day during which the occupier fails to comply with any notice to lime-wash, cleanse, etc.; or the District Council may take the matter into their own hands and charge all expenses incurred by them to the employer.

This section does not apply to any factory, workshop, or work-place which comes under the provisions of the Public Health (London) Act of 1891.

OVERCROWDING, VENTILATION, DRAINAGE.

6. A factory is counted overcrowded if there is less than 250 cubic feet of air to each worker, or during overtime 400 cubic feet. § 3. Air in factory.

As a standard, a room twelve feet square and ten feet high would be good accommodation for five workers at ordinary times and for three during overtime; in each case there would be some spare air, but not enough to justify the employment of another worker.

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7. If lights are used which consume the air, the Home Secretary may require that a larger number of cubic feet of air should be allowed to each person.

Gas, lamps, or candles consume the air; electric light does not. See comment to paragraph 13.

8. When the work-place is also used as a sleeping-place, the Home Secretary may order that a larger number of cubic feet shall be allowed.

9. A notice must be put up in every factory or workshop mentioning the number of persons who may be employed in each room.

§ 4. Power of Secretary of State in default of Local Authority.

10. If the Home Secretary is satisfied that the District Inspector has neglected his duty in any way, he may authorise the Factory Inspector to take such steps as may appear necessary or proper under the Factory Act or the law relating to public health, and, if successful, the Factory Inspector shall be entitled to recover from the District Council all expenses incurred.

It is to be noted that the Factory Inspector

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can only act after permission from the Home Secretary, who must be "satisfied" that there is just occasion before he give this permission.

§ 5. Action of the District Council.

11. When a Factory Inspector finds any nuisance punishable or remediable under the Public Health Acts, and not under the Factory Acts, notice must be given in writing to the Local District Council, who must then take proceedings and inform the Inspector of the action taken. If the District Council fail or neglect to take any action, the Inspector may then take the matter into his own hands, and if he is successful may charge all expenses incurred by him to the District Council. The Inspector may take with him into a factory or workshop a Medical Officer of Health, an Inspector of Nuisances, or other officer of the District Council.

12. In the case of "nuisances" (things of a nature likely to cause immediate danger), the Factory Inspector may act without waiting for authority from the Home Secretary.

The condition that the expenses may be recovered only if the Inspector proves his case is important, as it shows clearly that the intention

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of the Act is that the magistrate shall decide such cases on the evidence. It is not long since a Factory Inspector, after a magistrate had decided a case on the evidence of the Medical Officer of Health and of the Factory Inspectors themselves (whose evidence proved that the accommodation, though not what they approved, was adequate to the demands on it), declared that the magistrate was bound to give sentence in accordance with his opinion; that is to say, that the Factory Inspector was the final court of appeal in proceedings instituted by himself.

§ 6. Temperature.

13. The employer must keep his factory and workshops reasonably warm, but the heating apparatus must not render the air impure.

There is a great deal of ignorance among the workers as to what constitutes an impure atmosphere. A little information from employers would save much difficulty. Gas or gas fires are injurious in two ways: First, they use up the fresh air exactly as a human being uses it, and therefore more space or more ventilation is required. Secondly, they dry the air, and so cause headache and irritation of the lungs. A vessel of water, kept either in front of or on the stove, remedies

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the latter evil, since the steam given off from the water keeps the air sufficiently moist to be breathable without injury. In very damp weather, when the air is the better for being dry, a very small vessel at a little distance from the stove is all that is required.

14. The Secretary of State may direct that thermometers be provided and maintained in working order in every class of factory.

§ 7. Ventilation.

15. Every room in every factory or workshop must be sufficiently ventilated. Any employer failing to comply with this is liable to be dealt with summarily under the law relating to public health.

The Secretary of State, and not the Factory Inspector, decides what is sufficient, either by prescribing a standard for that particular class of factory or workshops, or by a special order.

16. If any employer, in obeying a special order of the Secretary of State, is put to any expense which he considers should be borne by the owner, he should make complaint to a court of summary jurisdiction, and that court will decide the case on its merits, regard being paid to the terms of any contract between the parties.

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§ 8. Drainage of floors.

17. In every factory or workshop where the work done is of a nature which renders the floor wet, and the wet can be removed by drainage, adequate means must be provided for draining off the wet. Neglect in this respect will be dealt with summarily under the Public Health Act.

§ 9. Sanitary conveniences.

18. Sanitary accommodation must be sufficient and suitable; and when persons of both sexes are employed, the accommodation must be separate. The Secretary of State decides by special order as to what is suitable and sufficient.

This section does not apply to the administrative County of London, or to any place where section 22 of the Public Health Act Amendment Act 1890 is in force.

FENCING OF MACHINERY.

§ 10. Fencing of machinery.

19. "(1.) With respect to the fencing of machinery in a factory, the following provisions shall have effect:—

"(*a.*) Every hoist or teagle, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and

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every part of any water wheel or engine worked by any such power, must be securely fenced; and

"(*b.*) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race; and

"(*c.*) All dangerous parts of the machinery, and every part of the mill gearing, must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced; and

"(*d.*) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

"(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act."

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§ 11. Steam boilers.

20. "(1.) Every steam boiler used for generating steam in a factory or workshop, or in any place to which any of the provisions of this Act apply, must, whether separate or one of a range—

"(*a.*) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

"(*b.*) be examined thoroughly by a competent person at least once in every fourteen months.

"(2.) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

"(3.) A report of the result of every such examination, in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

"(4.) A factory or workshop in which there is

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a contravention of this section shall be deemed not to be kept in conformity with this Act.

"(5.) This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty."

21. "The whole of a factory or workshop shall be deemed to be one factory or workshop, and the owner, not the occupier, will be held responsible and must sign the register."

This last clause is particularly just. An owner would be extremely indignant if a tenant paid his rent in bad money, and he has no moral right to take good money for premises unfit for the work for which they are hired. When the employer of labour is also the owner of the machinery, of course the responsibility devolves on him, and the periodical inspection is his safeguard against the indifference to danger which characterises the average workman. Anyone who wishes to find out how greatly masters stand in need of protection in this matter is advised to read Charles Reade's "Put Yourself in His Place," more particularly the Chapter dealing with certain

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dangers in the cutlery trade. It may seem a little strange to refer serious thinkers to a novel, but the novels of Charles Reade are for the most part "Blue Books made readable," and contain no statement of fact that has not been previously thoroughly tested and confirmed by unimpeachable evidence. We must not be understood as blaming employees too strongly for this indifference to danger, which is a national characteristic, and has its origin in one of the finest qualities possible in men; but men working for daily wage rarely stop to judge when and where this indifference to danger is a fine thing, and when and where it is foolhardiness. We are, of course, speaking solely of cases where the danger concerns the man indifferent to it, and no one else; for cases when a man may endanger his neighbours, see comments on pars. 113, 225, 226, and 233.

§§ 12 and 13. Restrictions on cleaning machinery.

22. No woman must be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion, whether the machine is driven by the action of steam, water, or other mechanical power. A woman must not be allowed to clean such part of the machinery in a factory as is mill gearing while

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the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

It would be better if this provision were, "No woman shall work," etc.—the penalty falling on the employer if the woman worked by his orders, and on the woman if she worked in defiance of them. The objection as to the difficulty of proving which of the two was to blame is met in comments, pars. 47 and 189.

§ 14. Means of escape in case of fire.

23. Every factory not built or commenced on or before the 1st of January 1892, and in which more than forty persons are employed, and every workshop not built or commenced on or before the 1st January 1896 in which more than forty persons are employed, must have a certificate from the Local District Council stating that such workshop or factory has a good means of escape in case of fire. Every District Council must examine all workshops and factories built before the above dates, and give a certificate stating in detail the means of escape provided. If they are unable to give one, they must give to the owner notice in writing of such structural changes as are required, specifying the date by which they must be carried out. Should the owner fail to comply

Certificate necessary.

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with the notice of the District Council, he can be fined £1 for every day that passes until the necessary changes are made. In case of difference of opinion between the owner of the factory or workshop and the District Council, the difference shall, on the application of either made within one month after the time when the difference arises, be referred to arbitration under the First Schedule to the Factory or Workshop Act 1901. (See comment on par. 31.)

24. If the owner considers that the occupier should pay all or part of the expenses, he may apply to the County Court, who shall decide as may seem just under the circumstances.

25. The Factory Inspector may give notice and take the like proceedings in matters punishable or remediable under the law relating to public health, but not under this Act.

It is greatly to be hoped that the District Councils, now their powers and duties are extended and upheld, will do their work thoroughly, and not leave it to an official whose duties are professedly partial.[1]

[1] See note to page 4.

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26. The means of escape in case of fire must be maintained and kept in good working order and free from obstruction.

Expenses of Council.

The expenses of the District Council are charged, in the case of an Urban District Council, as general expenses under the Public Health Act 1875, and in the case of a Rural District Council as special expenses under the same Act, and are charged to the contributory place where the factory or workshop is situate.

§ 15. Power to make bye-laws for means of escape from fire.

27. District Councils have power to make special bye-laws for providing sufficient means of escape from fire in the case of any factory or workshop.

§ 16. No locked doors.

28. The doors of any factory or workshop must never be locked or bolted or fastened in such a way that they cannot be easily opened from the inside, while the persons employed are inside either working or taking their meals.

Provisions as to doors.

29. Every factory or workshop where more than ten people are employed, not built before the 1st January 1896, must have doors which open outwards (sliding doors may, however, be used).

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§ 17. Dangerous machines.

30. A Court of Summary Jurisdiction may, on the complaint of an Inspector, and being satisfied that any part of the ways, works, machinery, or portion of machinery, etc., is dangerous to life or limb, by order prohibit its use; or if such machinery is capable of repair, prohibit its use until duly repaired or altered.

31. In emergency cases, where there is immediate danger to life, on an application by the Inspector alone, an order may be made totally or partially prohibiting the use of the machinery until the case can be heard and decided. The penalty for disregarding this order must not exceed 40s. a day.

Since there is always a possibility of a difference of opinion between the person responsible and the Factory Inspector being determined in favour of the former, one would like to have the principle laid down distinctly, that if the Factory Inspector should be proved in the wrong the owner should not suffer. On the other hand, one could wish that if it should be proved that the owner was knowingly, or through culpable ignorance, endangering the lives of his employees, the penalty should be very much heavier. Fines

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cannot meet the case when so serious an offence has been committed.

§18. Powers where unhealthy or dangerous factory, workshop, etc.

32. Similar provisions apply to workshops or factories which are in such a condition that the particular manufacturing process or handicraft carried on cannot be so carried on without danger to health (owing to bad sanitary conditions) or to life or limb.

33. No proceeding may be taken under this section unless the Factory Inspector is authorised to take proceedings under the Factory and Workship Act 1901 for enforcing sanitary conditions, or with respect to matters punishable or remediable under the law relating to public health, where any Local District Council might have taken proceedings.

ACCIDENTS.

§19. Accidents.

34. In case of all accidents causing loss of life to an employee, or bodily injury sufficiently severe to prevent him from working on any one of the three days following the accident for five hours at the usual employment, written notice must be sent to the Inspector of the District.

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Notice of accident must be given.

35. Notice must be sent to the certifying surgeon of the district, giving the address of the person injured and the place to which he has been removed, in all cases of fatal accidents and of accidents even if not fatal produced by machinery moved by any mechanical power, or through a vat, pan, or other structure containing hot liquid or molten metal or other substance, or by an explosion of gas, steam, or metal.

Under £5 penalty to surgeon or Government.

36. The penalty for not sending the necessary notice is a fine not exceeding £5 (unless a Government Inspector is required under sec. 63 Explosive Act 1895).

37. If the accident occurs in any factory or workshop where the occupier is not the actual employer of the person injured, the actual employer must report the accident to the occupier, or be liable to a penalty not exceeding £5.

§ 20. Duties and

38. The certifying surgeon must go as soon as is possible to the place where the accident occurred and make a thorough investigation as to the nature and the cause of the death or injury, and send a report to the Inspector within 24 hours.

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Powers of surgeon.

39. The certifying surgeon on these occasions has the same power as a Factory Inspector[1]—that is to say, can question the other employees, who incur a penalty if they refuse to answer him, and can also enter any room in any building to which the person killed or injured has been removed.

§ 21. Inquest where death occurs. Inspector must be present.

40. Notice must be given, in case of death, by the Coroner to the District Inspector of the time and place of inquest; and unless an Inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the Coroner must adjourn the inquest; and before holding the adjourned inquest send to the Inspector at least four days' notice in writing of the time and place of holding the adjourned inquest.

This regulation, which provides no penalty for the Inspector failing to attend from other than adequate reasons, and might therefore cause much delay and expense, is modified by the following provision.

41. When the accident has not caused the death of more than one person, if the Coroner has given the Inspector a full 24 hours' notice of the inquest,

[1] For Power of a Factory Inspector, see Appendix A.

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the inquest need not be adjourned on account of the Inspector's absence, if the majority of the jury think such adjournment unnecessary.

Persons admitted.

42. The following persons may be present at the inquest:—

(1.) Relatives.

(2.) Any Factory Inspector.

(3.) The occupier of the premises where the accident occurred.

(4.) Any person appointed in writing by the majority of the fellow-workers of the deceased.

These may, subject to the order of the Coroner, examine any witness, either themselves or by their counsel, solicitor, or agent.

"Agent" in this sense means anyone who has the authority of another person to represent him or to act in his place; and "subject to the order of the Coroner" means that they are subject merely in the same degree as are all who examine witnesses at an inquest. The Coroner has no power to limit or exclude their questions if they are relevant and in order.

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§ 22. Powers to direct formal investigation of accidents.

43. When it appears to the Secretary of State that thorough investigation ought to be made into the causes of accident in any factory or workshop, he may order such an inquiry to be made, appointing any person or persons possessing legal or special knowledge to act as assessor or judge in holding the investigation. This person or persons so appointed form a Court, and shall hold an investigation in open court in such manner and under such circumstances and conditions as will best enable him to find out the cause of the accident and make his report.

44. The powers of the Court are:—

(1.) To use its own discretion as to the manner and circumstances of holding inquiry.

(2.) The powers of a Court of Summary Jurisdiction when hearing complaints for offences against the Factory and Workshops Act 1901.

(3.) The powers of a Factory Inspector. [See Appendix A.]

(4.) Power to enter and inspect any building they may think it necessary to inspect for purposes of the inquiry.

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(5.) Power to summons and require the attendance of anyone whose evidence it thinks necessary or desirable.

(6.) Power to require the production of all books, papers, and documents which may bear on the matter.

(7.) Power to administer an oath and examine witnesses on oath and require a written declaration of truth of the statements made by such witnesses.

45. Persons attending this Court as witnesses will be allowed such expenses as would be allowed to witnesses attending before a Court of Record (a County Court).

Such expenses are their fares, and for loss of time whatever they would have been earning at their ordinary work—from 2s. 6d. to three guineas in case of expert evidence.

46. The Court, after holding the investigation, makes a report to the Secretary of State.

The Secretary of State may publish this report when and in what manner he may think fit.

47. Any person who, without reasonable excuse, and who has had any expenses to which he may be

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entitled tendered to him, fails, after being summoned to attend this Court, or prevents or impedes the Court in the exercise of its duty, is liable to a fine not exceeding £10 for every day such failure continues.

Good excuses would be:—

A doctor's certificate as to unfitness to attend.

Absence abroad (when evidence may be taken on commission before a witness leaves).

Not having received notice.

Enforced attendance at another Court at the same time, etc.

The term "impeding" the Court includes *withholding witnesses, dismissing workpeople who have given evidence, or giving them reason to fear that they will be dismissed if they do give evidence, to the disadvantage of their employer.* In cases of the kind the employer commits a contempt of Court, and is liable to imprisonment as well as to a fine.

We would desire to emphasise this, because the fact is not generally known; reiterated statements that workpeople perjure themselves through fear of dismissal implies that there is no safeguard against dismissal. Punishment cannot

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be too severe for employers capable of using their power over their workpeople to compel them to suppress the truth in the cause of injustice.

EMPLOYMENT.

It may be noted here that all our comment regarding the contempt of Court by withholding or intimidating witnesses before Coroners' Courts, applies even more strongly to prosecutions for over-employment of women. Cases have occurred where the evidence of a working-woman that she was not oppressed or overworked by her employer has not protected the employer when the Factory Inspector was able to prove that she began work five minutes before her legal time, or worked on five minutes too long, through dislike of wasting time or of leaving work unfinished. Such cases are generally defended by the statement that the women dare not tell the truth for fear of dismissal; that is to say, that the women are guilty of perjury, and the employers of impeding the Court.

How few the employers are who are guilty of so grave an offence as this species of contempt of

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Court is shown by the fact that a fund of £500, collected in 1898, for the compensation of women dismissed for giving evidence to Inspectors was not exhausted in January 1901. But few as these are, they are a bar to progress towards justice and liberty. If the penalties for such offences were rigidly enforced, the oath of a woman that she has not been oppressed might safely be taken as final evidence that she has not been; and the magistrate, acting on the principle of equity, which declares it the business of the magistrate to "assume that the law intended only what was just and right, and endeavour to effectuate that intention," might refuse to punish even on "technical grounds" employers who have done no wrong whatever.

As things are, laws intended for the protection of women are frequently used for their oppression, or what all must regard as their oppression, except that section of socialists who think the industry of the exceptional people should be limited by law to the standard of the average.

§ 24. Hours of employment in textile or weaving factories.

48. The period of employment for women in a textile, weaving, cotton, or such kind of factory, or a factory where articles are woven from cotton

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flax and the like, must begin at six a.m. and end at six p.m., or begin at seven a.m. and end at seven p.m., except on Saturday.

It is illegal to begin at the half-hour. It seems unreasonable and hard that a worker is not allowed to commence work between the hours of six and seven, but must commence punctually at six or sit idle until seven. Employers and workers inconvenienced by such a decision are advised to petition the Secretary of State, who has now such large powers that if he were convinced that a modification was for the good of the workers, and would not be abused, he would probably allow it. (See comment on par. 182.)

49. On Saturdays, if work begins at six and an hour is the time allowed for meals, in any manufacturing process work must stop at twelve and all employment at half-past twelve. If less than an hour is allowed for meals in any manufacturing process work must stop at half-past eleven, and all employment at twelve.

50. On Saturdays, when work begins at seven a.m., the closing hour is in each of the above-mentioned cases one hour later.

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51. The twelve-hour day must have at least two hours for meals, of which one hour must be allowed either all together or at different times before three o'clock in the afternoon. On Saturdays at least half an hour must be allowed.

52. In textile factories no woman must be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal.

§ 26. Hours of employment in non-textile factories.

53. In non-textile factories the work may begin at 6, 7 or 8 o'clock in the morning and end at 6, 7 or 8 o'clock in the evening during the week, and on Saturdays begin at 6, 7 or 8 and end at 2, 3 or 4 respectively.

54. One hour and a half must be allowed for meal times, of which one hour at least, either at the same time or at different times, must be before 3 p.m. during the week, and half an hour on Saturdays; a woman must not be employed for more than five hours continuously without an interval of half an hour for a meal.

These meal times seem insufficient for health, and unfortunately employers are so harassed by

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the restrictions of the Act and the want of discretion with which they have now and again been enforced, that they are apt to make the limit of what they may do the measure of what they will do.

§ 28. Hours of employment in printing, bleaching, and dyeing.

55. In Print Works and Bleaching and Dyeing Works the hours are exactly the same as in the textile factories, except that in this work a woman may be employed for 5 hours continuously without an interval of half an hour for a meal.

§ 29. Hours of employment in workshops where only adults employed.

56. In a workshop where notice has been given by the employer to the Factory Inspector that no children or persons under 18 will be employed, a woman may work for 12 hours, but must be allowed one hour and a half at least for absence and meals. The twelve hours are counted between 6 a.m. and 10 p.m. On Saturdays only 8 hours may be worked, and are taken between 6 and 4, half an hour at least being allowed for meals and absence. The notice may be cancelled by the employer, who may then employ children and persons under 18, but this change must not take place oftener than once in every quarter year unless allowed owing to special cause, when permission

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may be obtained in writing from a Factory Inspector.

57. An employer who employs either children or young persons under eighteen without giving notice of the change to the Inspector is liable to a fine.

§ 30. Where women are employed only eight hours a day they may be employed longer on Saturdays.

58. In a non-textile factory or workshop where a woman has not been employed for more than eight hours on any one day in a week, and notice of such non-employment has been affixed in the factory or workshop and given to the Inspector, such woman may work from 6 to 4 on Saturday with two hours' interval allowed for meals.

This would be reasonable enough if notice sent in on the day when extra work was required were sufficient. As the law stands, prosecutions where the Factory Inspector has not used the discretion which the Secretary of State wishes him to use may still occur, but the Act has done so much to remove the disadvantages and difficulties of employers of women, that one may well ask for a little more patience both from them and their workpeople until such time when a manufacturer will be allowed, in a case where his women

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workers have worked past the prescribed hour, but not exceeding their prescribed weekly limit, simply to send notice to the Factory Inspector to that effect, without fear that a penalty will be incurred. Meanwhile employers are advised to invariably fix notices, and send word to Inspectors, whenever their women have not worked their full time, in case extra work should come in on Saturday morning. Such notices would cause both employers and Inspectors a little trouble, but besides permitting the employer to work later on Saturday would serve to show the Factory Inspector that his women are not overworked. The Factory Inspector would then be able to use that discretion which the Secretary of State expects; and even should he not do so, he will be bound to produce or at least admit such proof of fair treatment; and then, should the magistrate feel bound to impose a fine on "technical grounds" when it appeared that any Factory Inspector persisted in prosecuting in such cases, he might find one day that he was dismissed by the Secretary of State on that account.

§ 31. Employment inside and

59. A woman must not be employed longer than the legal period of employment in any business of

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the factory or workshop outside the factory or workshop on any day on which she has been employed in the factory both before and after the dinner hour. outside factory or workshop on same day.

Being employed outside here includes the taking home of work to be done at home, and would also include delivering parcels on the way home—in fact, any services connected with the business. This might result often in inconvenience to perfectly fair and kindly employers, and would not be necessary if intimidation were properly provided against, as already suggested, and the evidence of women that they are not oppressed taken as sufficient evidence to acquit an employer charged under an Act intended solely to prevent oppression.

60. If a woman is employed on the same day both in a factory or workshop and a shop, her whole time of employment must not be longer than if it were spent altogether in the factory. If her time employment differs from the notice affixed in the factory or workshop, an entry must be made in the general register of the time she was employed in the shop.

Here the gift of prophecy is not required.

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This is almost a pity, as the annoyance to a customer of being cut short in the middle of her purchases because of the expiry of the statutory limit of the woman's work would do more to arouse public feeling than consideration either for the welfare of the working-women or the exigencies of trade.

§ 32. Notice must contain hours of employment, time allowed for meals and system.

61. The notices to be fixed in a workshop are :—

The hours chosen for employment (which must be within the legal limits).

The times allowed for meals.

Whether children are employed on the system of morning and afternoon sets or on alternate days.

The special exceptions allowed under the Act of which the employer intends to take advantage.

These notices must be rigidly adhered to and no change in them made until notice has been given to the Inspector, and such changes cannot be made oftener than once a quarter except for special cause allowed in writing by the Inspector.

62. A Factory Inspector has power by notice in writing to name a public clock, or some other

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clock open to public view, for the purpose of regulating the period of employment and hours allowed for meals in a factory or workshop.

This is reasonable enough, assuming that the Inspector will choose one that keeps good time, and will prevent such prosecutions as that in the celebrated Sunlight Soap case where—the work being done by piece-work—the girls were habitually locked out of the workrooms lest, in their eagerness to earn a few pence, they should begin five minutes too soon. On one occasion, when the work had been resumed at the legal hour by the works clock (from which the time for leaving off was also taken), an Inspector entering declared it was a few minutes too soon. An entire morning of a Court and the time of judge, counsel, officials, and witnesses was wasted in the endeavour to find out which of two clocks was right—a matter ultimately left in doubt.

MEAL TIMES.

63. With regard to meals the general rules are as follows:— § 33. Meal times.

All women employed in a factory must have

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the time allowed for their meals at the same hour of the day.

No woman must during meal times be employed or be allowed to remain in a room in which work or a manufacturing process is then being carried on.

The exceptions to these rules, however (see par. 74), are so extensive and so sensible that they almost confine the application of the rule to cases where the unhealthy nature of the work carried on renders it unlikely that any wise woman would wish to eat, or any master be willing that she should do so, in the workroom. We should like to see the rule as to simultaneous dinner hours abolished altogether, as this would make it easier for employers to provide dining accommodation, and in some cases save waste and expense that are bound to detract from the wages of the women employed. The objections to be urged against this are the extra trouble likely to be caused to the Factory Inspectors, and reluctance to rely on the women workers' testimony as to the hours they have worked, neither of which seems insurmountable. Sweeping, disinfecting, ventilating, and cleaning might also be allowed

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to be done during the dinner hour with advantage to everyone concerned.

HOLIDAYS.

64. No woman must work on Sunday except by Special Order. (See par. 78.) § 34. Sunday work.

65. In England, Christmas Day, Good Friday, and every Bank Holiday, unless instead of any of these days another whole holiday or two half-holidays are given, the date being fixed by the employer. § 35. Holidays.

66. In Scotland, in the burgh or police burgh, the Fast Days appointed by the Scotch Church for the observance of the Sacramental Fast of the parish, or if none are fixed, two whole holidays, not less than three months apart, chosen by the employer, and eight half-holidays chosen by the employer; but for any two half-holidays one whole holiday may be substituted.

67. In Ireland, Christmas Day and any two from among the following: St. Patrick's Day, Good Friday, Easter Monday, or Easter Tuesday, the choice to lie with the employer; and six

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half-holidays, for any two of which, however, the employer may substitute one whole holiday.

68. At least half of these holidays must be between the 15th of March and the 1st October.

69. The holidays (not falling on Christmas Day, Good Friday, Bank Holidays in England and Wales) chosen by the employer must be settled, and their dates put up in the factory or workshop by the first week in January, and a copy of the notice sent to the Inspector of the District by the same date; and if no such notice has been affixed or sent, any cessation of work shall not count as a whole or half holiday. A change of dates of the holidays may be made by affixing in the factory and giving notice to the Factory Inspector 14 days before the date of the holiday.

Very much trouble would be saved and the purpose of the law served if subsequent notice, or notice by telegraph, were sufficient. The emergencies which justify overtime or change of holidays rarely "send notice" to the employer. The dressmaker who was fined for changing the day of the holidays at the request of her ap-

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prentices, in order that the poor children might attend a school treat, could probably have sent notice if she had known the law; but those dressmakers whose apprentices worked overtime on the national mourning for the death of our late Queen could not very well have foreseen the emergency. They were not prosecuted, as the magistrates, acting on their discretion, did not grant the summonses though they were applied for. This was almost a pity, since such prosecutions would have called public attention to the hardships of demanding the gift of prophecy from employers whose work is subject to emergencies.

70. A half-holiday must be at least one half of the ordinary working day, on some day other than Saturday.

This is good, or would be if there were to be some distinction made between an accidental and exceptional breaking of this rule by a habitually just employer and deliberate time-cribbing. As the intention of the Act was, of course, only to enable the workers to benefit as much as possible, there is no reason why this distinction should not be made.

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EXCEPTIONS AS TO HOURS AND HOLIDAYS.

§ 36. Employment may be between 9 a.m. and 9 p.m. in certain cases.

71. The points on which the Secretary of State must be convinced before granting a special exception are:—

(1.) That such exceptions are necessary owing to custom or the special demands made by the trade either as a whole or in a particular locality.

(2.) That such exception will not injure the workers.

In non-textile factories and workshops he may then allow the hours on any day but Saturday to be between 9 a.m. and 9 p.m. (children must cease work at 8).

§§ 37, 38. Bakehouses.

72. Women employed in bakehouses and lace factories are allowed to work the ordinary hours permitted by the Factory and Workshops Act 1901, and notice of the hours they are permitted to work must be affixed in the bakehouse. (See par. 53.)

§ 39. Five hours' spell in certain textile factories.

73. In elastic web, trimming, or ribbon factories, the Secretary of State can allow a five hours'

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spell of work for women between the first day of November and the last day of March in the following cases:—When the work begins at 7 a.m. or when the hour from 7 a.m. to 8 a.m. is allowed for breakfast, and in factories used for (1) the making of elastic web, (2) the making of ribbon, (3) the making of trimming.

Other textile factories may be excepted by the Secretary of State as above, when the habits of the people employed render the extension desirable, and the work is healthy and no one's health likely to suffer.[1]

§ 40. Exceptions as to different meal times and employment during meal times.

74. The meal time need not be simultaneous in the following factories:—

(*a.*) Blast Furnaces.
(*b.*) Iron Mills.
(*c.*) Paper Mills.
(*d.*) Glass Works.
(*e.*) Letterpress Printing Works.

Women may be allowed to remain during meal times in the workrooms of Iron Mills, Paper Mills, and Letterpress Printing Works, and in Glass Works (except any part of Glass Works in which the materials are mixed; and where flint glass is

[1] For trades now excepted, see Appendix H.

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made, any part in which the work of grinding, cutting, or polishing is carried on). The Act also specially provides that they may be allowed to remain in and be employed in that part of any Print Works or Bleaching and Dyeing Works in which the process of dyeing or open-air bleaching is carried on. (See comment on par. 25.)

The Secretary of State may also except other factories when the continuance of the process renders it necessary or owing to special circumstances.[1]

§ 41. Special exceptions as to fish and fruit preserving.

75. The above rules do not apply to the processes of preserving and curing fish.

This exception is both wise and necessary to the public health, since when the fish comes it must be dealt with at once, as laying it in ice renders it too soft for curing. The women themselves have never been known to complain against the long spell of work following their long spell of involuntary idleness; and even before the revision of the Act, their work was left unmolested in consequence of their own energetic protests.

[1] For exceptions made up to date of publication by the Secretary of State in various cases, see Appendices C to R.

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The present writer heard a man, of some intelligence in other matters, declare that the women's hours might easily be limited, because surely the employers "knew what time the fishing-boats were billed to come in." But for this anecdote it might seem almost impertinent to state that the boats are sometimes out for days together, during which time the women waiting for their work must be paid or they could not live, being almost invariably strangers come specially to the coast for that work.

76. The process of cleaning and preserving fruit so far as is necessary to prevent its spoiling immediately on its arrival at the factory or workshop during the months of June, July, August, and September, is excepted, subject to such conditions as the Secretary of State may make by Special Order. (For Special Order, see Appendix I.)

77. An employer in the fruit-preserving and fish-curing trade need not, in the notice which he has to affix (see par. 62) to the factory or workshop, specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals.

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It will be seen that the exceptions in the fruit-preserving trade are more limited than those conceded to the fish-curing trade. This is quite reasonable. The women employed in the latter trade are, through circumstances, race, and training, better able to take care of themselves than the jam-makers. Moreover, the nature of fish-curing renders it unlikely that the concessions allowed should be used for other purposes than those for which they were intended.

§ 42. Creameries excepted.

78. In creameries, the Secretary of State may by Special Order vary the beginning and end of the daily employment and the times allowed for the meals of women and young persons employed in this trade, and may allow them to work for three hours on Sunday and holidays. This three hours is included in the number of hours allowed weekly under the Factory and Workshops Act 1901. (For Special Orders, see Appendices J and K.)

Creameries are an Irish institution. It became evident to the Irish Agricultural Organisation Society that dairy produce could be better and more properly worked in co-operation. Dairy work was studied so thoroughly in these creameries that students came from all parts of

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England to learn the trade, and many young Irish women have become proficient in it in their own country and earn good salaries. Milk being sent from the surrounding district to a central depot to be manipulated, these creameries came under the Factory Act.[1] The forbidding of Sunday work to women threatened to stop this excellent and growing industry, and the loss of work in the special trade they had studied to some 550 industrious women—for the use of chemical preservatives of milk was not in favour in Ireland, nor had all the creameries the appliances for it. However, the creameries, with the tacit support of the authorities, politely ignored the law, and no woman lost her employment in consequence of it.[2] The present exception entirely satisfies both employers and employed, as no one concerned desires the oppression of women, but only that they should have freedom to do their work at the time necessary for it to be done.

[1] In 1889 there was in Ireland 1 co-operative creamery —in 1900 there were 171; and the net profit on the year's working was £12,472, and upwards of 550 women and girls found employment in them.

[2] Had there been the same fanatical adherence to the letter of the law as that mentioned on page 124, the consequences would have been disastrous.

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§ 43. Substitution of another day for Saturday.

79. The Secretary of State may by Special Order, where it is necessary, allow some other day to be substituted for Saturday as a half-holiday. The employer must then affix a notice to that effect in his factory or workshop, and then the provisions as to hours of work, meals, etc., will apply to that day as if it were Saturday. In newspaper printing offices he may allow some of the workers under 18 years of age to take their holiday on Saturday and some on other days.

§ 44. Saturday employment in Turkey-red dyeing.

80. In Turkey-red dyeing women and young persons under 18 may be employed on Saturday till 4.30 in the afternoon, provided that the extra number of hours so worked does not raise the total of hours beyond the week's limit.

It would be more convenient if the extra half-hour might be paid back in the succeeding week, as no one can foresee emergencies; and to ask either employer or employed to reserve time in case it should be required, is simply to ask them to run the risk of wasting so much time and so much money.

§ 45. Holidays on different day for

81. When it is necessary and not harmful either to a particular class of non-textile factories or workshops, either generally or in a particular

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locality, the Secretary of State may by Special Order allow all or any of the annual whole holidays or half-holidays to be taken on different days by any of the women or children, or by any particular set of women and children, and not on the same days. different sets.

82. When the customs or exigencies of the trade in any class of factories or workshops or parts thereof, either generally or locally, require that that trade should be excepted from the provisions of the 1901 Factory and Workshops Act relating to employment, inside and outside, on the same day, the Secretary of State may by Special Order grant such exception. § 46. Inside and outside employment on same day.

83. When the employer is a Jew, and closes his factory till sunset on Saturday, he may employ women on Saturday after sunset till 9 o'clock p.m. If he keeps his factory or workshop closed all Saturday he may employ women an extra hour every week day, but this hour must not be before 6 a.m. or after 9 p.m. § 47. Hours and holidays in factory or workshops where Jewish employer.

84. When the workwomen are also of the Jewish religion, they may be employed on Sunday if the workshop is closed on Saturday and not open for § 48. Where workpeople are also Jews.

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traffic on Sunday, provided that the women are not employed on Saturday evening nor for the extra hour during the week.

85. The provisions relating to work on Sunday contained in the Factory and Workshops Act 1901 may in the case of Jews be transposed, and then the word Saturday read instead of Sunday; or if the employer should desire it, and so specify in the notice (see par. 62), the word Friday may be substituted for Saturday.

OVERTIME.

§ 49. Overtime on account of press of work.

86. In certain non-textile factories and workshops or parts thereof, and warehouses mentioned below, the period of employment for overtime is between—

6 a.m. and 8 p.m.
7 a.m. „ 9 p.m.
8 a.m. „ 10 p.m.

on the following conditions, *viz.*:—

2 hours at least must be allowed for meals, of which half an hour must be after five in the evening.

A woman must not be so employed for more

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than 3 days in one week, and overtime employment under this section must not take place in a factory or workshop on more than 30 days in the whole of any 12 months; and in reckoning such period of 30 days, every day on which a woman has worked overtime is taken into account.

The Factories and Workshops where the above overtime is allowed are:—

"(1.) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather, namely:—

(*a.*) Flax scutch mills; and

(*b.*) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(*c.*) The part of rope works in which is carried on the open-air process; and

(*d.*) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey-red dyeing; and

(*e.*) Any factory or workshop or part thereof in which is carried on glue-making; and

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"(2.) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year, namely:—

(*f.*) Letterpress printing works; and
(*g.*) Bookbinding works; and any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
(*h.*) Lithographic printing; or
(*i.*) Machine ruling; or
(*k.*) Firewood cutting; or
(*l.*) Bon-bon and Christmas present making; or
(*m.*) Almanac making; or
(*n.*) Valentine making; or
(*o.*) Envelope making; or
(*p.*) Aërated water making; or
(*q.*) Playing card making; and

"(3.) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events; namely, any factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

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(*r.*) The making up of any article of wearing apparel; or

(*s.*) The making up of furniture hangings; or

(*t.*) Artificial flower making; or

(*u.*) Fancy box making; or

(*v.*) Biscuit making; or

(*w.*) Job dyeing; and

"(4.) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods."

87. These exceptions are not allowed in factories conducted on the system of not employing any young person or child. For overtime in them, see par. 214.

Extension of exceptions in special cases.

88. The Secretary of State may in any other class of non-textile factories or workshops or parts thereof, in cases where necessity demands it by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain seasons of the

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year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, and where there will be no injury to the health of the women affected, by Special Order allow women to work overtime under this section.

§ 50. Overtime on account of articles being perishable.

89. Where women are employed on perishable articles, their hours may be, on any day except Saturday, or any day substituted for Saturday, between 6 a.m. to 8 p.m. or 7 a.m. to 9 p.m. The following conditions must be observed:—

(*a.*) For meal times 2 hours at least must be allowed, of which half an hour must be after 5 o'clock in the evening.

(*b.*) Women must not be employed overtime for more than 3 days in any one week.

(*c.*) Overtime employment under this section must not take place in a factory or workshop on more than 50 days in the whole in any 12 months; every day on which any woman has been employed overtime is to be taken into account.

This applies to all factories or workshops engaged in the fish-curing, jam-making, and condensed milk manufacture. The Secretary of

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State has the same powers by Special Order for extending this exception as mentioned in paragraph 87.

§ 51. Overtime on incomplete process.

90. In certain factories or workshops or part thereof where the process in which a woman or child is employed is in an incomplete state at the end of the period of employment, such woman or child may, on any day except Saturday or day substituted for Saturday, be employed for a further period not exceeding 30 minutes.

91. The total number of hours, including this period of overtime, must not exceed the number of hours allowed per week under the Factory and Workshops Act 1901. Factories where this exception applies are Bleaching, Dyeing and Print Works, and Iron Mills, Foundries and Paper Mills, in which males under 16 do not work during any part of the night.

This exception may be extended by the Home Secretary to any class of non-textile workshops and factories where the time of finishing work cannot be accurately fixed.

§ 52. Factories driven by water.

92. In factories liable to be stopped by drought or flood the Secretary of State may by Special

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Order permit women to be employed between 6 a.m. and 7 p.m. on such conditions as he thinks proper, so long as they are not deprived of the meal times allowed by the Factories and Workshops Act 1901, nor be so employed on Saturdays or any day substituted for Saturday. In factories liable to be stopped by drought, this extra hour is available for 96 days in any period of 12 months; in the factories liable to be stopped by flood, for 48 days in the 12 months; but in no case must the overtime be more than the time lost during the previous 12 months.

This does not seem altogether adequate; it provides for making up the time already lost, but does not enable any one to forestall loss. Suppose no time had been lost during the previous year, and from the state of the weather or the water it was clear no work could be done after the next few days, and a good deal of work was on hand, employers would be in a very awkward predicament.

§ 53. Overtime in Turkey-red dyeing and open-air bleaching.

93. A woman may be employed on any day except Saturday, or any day substituted for Saturday, beyond her period of employment so far as is necessary for the purpose of preventing

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any damage which may arise from spontaneous combustion in Turkey-red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Women must not be employed in any night work which comes under the Factory Acts. § 54. Non-employment of women at night.

They may be employed at night in such arduous and ill-paid work as nursing or charring, which no one grudges to them.

INTERMITTENT EMPLOYMENT.

94. The Regulations of the Factory and Workshops Act 1901 do not apply to Flax Scutch Mills which are worked intermittently, and not for more than six months in any year, where no children or persons under 16 are employed. Notice must be served on the Inspector that no children or young persons are employed. § 54. Flax scutch mills excepted.

SUPPLEMENTAL.

95. If the Secretary of State considers (1) that any special means for ventilation or cleanliness is necessary for the protection of the health of women employed in any factory for a longer § 58. Power to impose sanitary requirements as condition

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of special exceptions.

period than is otherwise allowed by this Act, or (2) a special provision as to the total number of hours of employment and the interval between such periods is required for the protection of the health of any women employed in pursuance of such an exception at night, he may by Special Order direct that the adoption of such means shall be a condition of such employment. The Secretary of State has also power by Special Order to rescind or cancel the exception in those special cases where suffering is caused.

This last is an excellent provision. The more strongly the law restrains in cases of real suffering, the less we shall hear of irritating prosecutions for technical breaches of rule where no one has been injured. The making of such an order by the Secretary of State in a case of real necessity will have greater effect than a dozen prosecutions for breaches of mere rules in cases where no one is injured.

96. When it appears to the Secretary of State that the need for any exception he has granted has ceased, or if he finds that the exception acts injuriously on the health of the workers, he may

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rescind it without prejudice to the making of a subsequent Order.

§ 60. Notices, registers, and relating to special exceptions.

97. An employer must give seven days' notice to the Inspector of the district, and affix such notice in his factory. The notice to remain whilst he avails himself of any special exception.

This is likely to create hardship, as customers cannot be compelled to wait a proportionate time before their orders are executed.

98. Before the service of the notice on the Inspector, the special exception will not apply to that factory; and after the service, it applies until he has sent notice to the Inspector (the length of notice is not stipulated) that he no longer intends to avail himself of the exception.

99. This notice must (except as otherwise provided by the Factories and Workshops Act 1901, see par. 77) mention the time of beginning and ending work, and the time allowed for meals where they differ from the ordinary hours or times.

100. An employer of women must enter in a

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register and report to the Inspector for the District the prescribed particulars respecting the employment of women (hours, meals, etc.) under an exception, and in case of overtime such prescribed notice must be kept affixed in the factory or workshop during the prescribed time, and this report must be sent to the Inspector not later than 8 p.m.

This has caused many petty persecutions or prosecutions in cases where overtime could not commence until eight, and the need of it was not found till a short time before that hour. Surely this is a case where the Factory Inspector ought to use the discretion which the Secretary of State appears by his expression of confidence to expect from him.

101. Where an employer avails himself of a special exception but does not comply with the condition imposed upon him, either in the Factory and Workshops Act 1901, or in a Special Order, then—

(*a.*) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, or

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(*b.*) If he employs a woman in the factory or workshop without keeping the conditions (as to meal times, etc.), he will be considered to be breaking the Act.

Again we must hope that a great distinction will be made between mere technical breaches, such as not sending the prescribed notice when working overtime until a few minutes after 8 p.m., and breaches such as the neglect of meal times, or sanitary arrangements which are likely to injure the health of the workers.

102. If an employer has served notice on an Inspector that he intends to avail himself of an exception to work overtime, he will be counted as having worked overtime whether he has done so or not, unless the notice is withdrawn (this should be done before eight where possible), in spite of any evidence that his employees may give that they have not worked overtime.

FITNESS FOR EMPLOYMENT.

§ 61. Prohibition of employment of women after childbirth.

103. An employer must not knowingly allow a woman to be employed in a factory or workshop within four weeks after she has given birth to a child.

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This means that the women compelled to work must leave the work which is the best that they can get and take the second best. If women are not to be deemed fit judges of their health in this matter, the prohibition of over-exertion should extend to all women whatsoever, and the State should support those who cannot support themselves at such a time.

As an endeavour to extend the period to six weeks is in contemplation, employers are urged to collect the opinions of their steadiest and most reliable women workers on this subject and draw up a petition with a view of shielding them from restrictions which are not applied to any other class of women. This is the more important when one considers the grave material evils—evils very much greater than mere decrease of population—likely to follow the penalisation of childbirth.

DANGEROUS AND UNHEALTHY TRADES.

The rules as to the notification of diseases incurred through working at a dangerous and unhealthy trade apply to men and women alike.

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The list of trades ruled to be dangerous, up to the date of publication, will be found in Appendix B.

§ 73. Notification of certain diseases contracted in factory or workshop.

104. Any doctor whatsoever called in to attend such a case is bound to report it to the Chief Inspector at the Home Office, giving name of patient, address, and disease, and is entitled in respect of every notice sent to a fee of 2s. 6d., to be paid as part of the expenses incurred by the Secretary of State. If the medical practitioner fail to send such notice, he shall be liable to a fine not exceeding 40s.

105. Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning or anthrax occurring in a factory or workshop must be sent to the Inspector and to the Certifying Surgeon for the district. The laws with respect to accidents apply in such a case.

106. The Secretary of State has power by Special Order to make the above provisions (104–105) apply to any other disease occurring in a factory or workshop.

This is as it should be; when serious injury is done, it is the business of the law to interfere,

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because the danger in this matter is not always under the control of the workers themselves. One can only wish that if it should be found that injury is caused either wilfully or through culpable carelessness or fault of the employer, he should be deemed guilty of manslaughter or inflicting grievous bodily harm, as the case may be. To condemn such a person for not keeping his factory or workshop in conformity with the Act is to place him on an equality with persons absolutely guiltless of the least wrong to their employees.

§ 74. Ventilation by fan or other mechanical process.

107. The Factory Inspector may order ventilation by fan or such mechanical contrivance as he shall think best to be provided within a reasonable time in any process which causes dust, gas, vapours, or impurities of any kind such as are injurious to the workers, whether men or women.

108. The employer may appeal against this order to the Secretary of State, if he considers himself in any way injured. The Inspector has not an infallible authority as to the necessary or best means of ventilation.

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§ 75. Lavatories and meals in certain dangerous trades.

109. In factories or workshops where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

§ 78. Prohibition as to meals.

110. No person is allowed to remain during meal times or take meals in any room where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, and suitable accommodation must be provided elsewhere in the factory or workshop.

The special prohibitions as regards women are as follows:—

§ 76. Restrictions as to employment in wet spinning.

111. No woman must be allowed to work in a room where wet spinning is going on, unless sufficient means are employed and continued for protecting the workers from the wet and for preventing the escape of hot steam into the room.

It would be very much better if the prevention of injury from wet and steam were insisted on in any case. The health of men is as valuable to themselves and to the State as is the health of women. Consumption, a weak chest, or a tendency to bronchitis are as likely to descend

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from the one parent as from the other. The rule as it stands is simply a bribe to the employers: "Leave off employing women, and we will allow your works to be unhealthy."

§ 78. Prohibition of taking meals in certain parts of factories or workshops.

112. A woman must not be allowed to take her meals or remain in the room during the time allowed for meals in any part of a factory or workshop where the process of

Mixing glass,

Grinding, cutting, or polishing glass,

Lucifer match making (except wood-cutting part) is carried on;

Or, in the case of earthenware, in the Dipping House, Dippers' Drying Room, or China Scouring Room.

113. Notice of this prohibition shall be affixed in every factory or workshop where it applies.

During the debate on the Bill in Committee, one Member of Parliament urged that the employers ought to have some power to enforce rules against eating in unhealthy places. He read letters from employers complaining of the injustice of having no remedy except dismissing men who might be skilled workmen whom they

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could ill spare. It appeared that men are worse offenders in this matter than women. The men's tobacco chewing is harder to deal with than the women's sweetmeat eating. Men have been known to cook their food over fires giving off poisonous vapours.

We would urge on employers that they have their remedy in the case of dangerous trades in clause 85, subsection 2 (see par. 115), which has already been applied to a great extent in the Pottery trade; let them on their own account make it clear to their employees that any infringement of the rules intended for the protection of the men will be at once laid before the Factory Inspector, who will be bound to prosecute. One such prosecution instigated by an employer will do more to inculcate carefulness in a workman for his own safety and that of his neighbours than any amount of fining of innocent employers. At present the administration of the law does not attach sufficient importance to this distinction between the person guilty of actual culpable carelessness and the person only guilty of having failed to prevent it, and finds it for the moment more "preventive" to hold the employers almost

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entirely guilty; but we would point out that this is only for the moment, and that the tacit encouragement of criminal carelessness by punishing the person not guilty of it, and leaving the guilty person unchecked, is bound to have a disastrous effect on the characters of the workers, and tends to the increase of accidents resulting from carelessness. It is no unkindness to workers to insist that no one but the person guilty of culpable carelessness should be punished, for no honest man or woman would wish to see another suffer for his or her fault, while the dishonest person who might wish to do so is not injured but benefited by being disappointed in so unfair a desire.

114. The Secretary of State may, by Special Order, extend the prohibition with regard to the taking of meals to any factory, workshop, or parts thereof, where, by reason of the nature of the process, he thinks it necessary, or by Special Order remit it in any case where he considers it no longer necessary.

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REGULATIONS FOR DANGEROUS TRADES.[1]

§ 79. Regulations for dangerous trades.

115. The Secretary of State, when satisfied that any kind of manufacture, machinery, plant, process, or description of manual labour used in factories or workshops is in any way dangerous or injurious to health, either generally or in the case of women or children or any class of persons, may make special regulations for that labour, the manner of making them to be as follows:—

§ 80. Procedure.

116. Before making regulations he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the regulations he proposes to make can be obtained, and of the time, which may not be less than twenty-one days, in which objections to such proposed regulations must be sent to the Secretary of State.

117. The objections must be in writing, and explain distinctly what is objected to, why it is objected to, and what is desired to be left out, added to, or changed in the proposed new regulations.

[1] For list of dangerous trades, see Appendix B.

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118. The Secretary of State must consider these objections, but is not bound to alter the proposed regulations.

119. When the Secretary of State does not accept the suggestions made, before making the regulations he shall, unless such objections are withdrawn or appear to him to be frivolous, direct an inquiry to be made by a competent person whom he shall appoint.

§ 81. Inquiries.

120. The inquiry must be held in public, and the Chief Inspector and any objector, and any other person who in the opinion of the person holding the inquiry is affected by the proposed regulations, may appear at the inquiry either in person or by a barrister, Solicitor, or Agent. The witnesses may, if the person holding the inquiry thinks fit, be examined on oath. The inquiry and all proceedings preliminary and connected with it must be conducted in accordance with the rules made by the Secretary of State.

The Secretary of State and the person he appoints have large powers, but the Secretary of State is responsible to the nation at large for the fair conduct of any person he may appoint; and

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as the action of every member of a Ministry is open to the fullest and fairest discussion in Parliament, the exercise of such power is practically certain to be only used with tact and care.

§ 82. Application of regulations.

121. Regulations made under the foregoing provisions may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour certified to be dangerous is used, or to any specified class of such factories or workshops. Exceptions, either absolutely or subject to conditions, may be granted.

§ 83. Provisions which may be made by the regulations.

122. The employment of all persons, or any class of persons, in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous, may be prohibited or modified, or the period of such employment limited.

It has been held in Parliamentary debate that *may* means "must." We would beg employers, whenever restrictions such as men would not submit to are proposed on women's work, that they should test the sincerity of the proposers of such measures by insisting that the restrictions should

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apply to both sexes.[1] The health of men is as important to the State as the health of women. Women, it should be remembered, are as capable of, and more anxious as a rule, to preserve their own health than are men. We would urge on employers who wish to be just that the reasons given for the employment of women by employers in America, when an exhaustive official inquiry was made on the subject, ought to induce them to stand up for women employees when their liberty is unfairly attacked.[2]

Every possible precaution against danger of any kind should be made irrespective of sex. Whenever precautions are obligatory only in the case of women, an employer is simply encouraged to discontinue the employment of women, when such

[1] See Introduction, p. 8.

[2] The returns are to be found at pages 583 to 610 of the *Eleventh Annual Report of the Commissioners of Labour*, 1895–96 ("Work and Wages of Men, Women, and Children"), containing the replies of 964 different firms in all branches of manufacture in thirty States, as to their reasons for the employment of women and girls. Some firms gave one reason only, many gave two, some three or four, making a total of 1580 reasons, in which "cheaper" occurs in the proportion of one-fifth, "better adapted" occurs in close upon half, among the remainder being "more reliable," "neater," "more easily controlled," "more industrious," "don't drink," "cleaner."

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employment obliges him to keep his premises in a more healthy state.

123. The use of any material or process may be prohibited, limited, or controlled.

124. Any special regulations for any class of factories or workshops contained in the Factory and Workshop Act 1901 may be modified or extended.

125. Regulations, after having been made as authorised, must be laid before both Houses of Parliament for forty days, within which time any one or all of such regulations may be annulled without affecting the validity of anything done in the meantime thereunder or to the making of new regulations. If one or more of a set of regulations are annulled, the Secretary of State may withdraw the whole set.

§ 84. Regulations to be laid before Parliament.

It will be seen that if any section of workers feels itself aggrieved or injured under the regulations, and has not from any cause been able to secure proper representation before the Court of Inquiry, or is from any reason dissatisfied with the decision of the Court of Inquiry, the matter

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may be re-opened in the House of Commons, and fully commented on in the public press.

The clause allowing the Secretary of State to withdraw all the resolutions if one is annulled would guard against a partial annulling which should leave the remainder of the regulations unfair to any section of workers. As, for instance, if in any trade the women were anxious for the "better protection" of the men "as fathers of the race and breadwinners," and urging the men's known carelessness in the matter of guarding their own health, should by their representatives in Parliament succeed in obtaining obligatory precautions in regard to men's labour while retaining their own freedom (thus obtaining a higher wage and more certain employment), it would be only fair to the men that the Secretary of State should withdraw regulations which, as amended, would be less likely to result in the reform of any factory which needed reforming, than in the mere dismissal of the men employed.

§ 85. Breach of regulations.

126. If any occupier, owner, or manager acts contrary to these regulations, or fails to comply with any regulation, he is liable for each offence to a fine not exceeding £10, and when the offence

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is continued, to a fine not exceeding £2 for every day during which the offence is continued after he has been convicted.

127. *If any other person than the occupier, owner, or manager acts contrary to these regulations, or fails to comply with any regulation, he is liable for each offence to a fine not exceeding £2*, and the occupier of the factory or workshop shall also be liable to a fine not exceeding £10, unless he proves that he has taken all reasonable means by publishing and to the best of his power enforcing the regulations. (See comment on par. 113.)

§ 86. Publication of regulations.

128. Notice of any regulations having been made under the foregoing provisions, and of the place where copies of them can be purchased, must be published in the London, Dublin, and Edinburgh Gazettes.

129. Employers must keep printed copies of all regulations for the time being in force. They must be posted up in conspicuous places in the factory or workshop, and a copy given to any person whose work is affected by them who asks for it. In Wales or Monmouthshire the regula-

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tions must be printed both in English and Welsh. The printed copies can be obtained free of charge from the Home Office.

130. If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he is liable to a fine of £10.

131. If any regulation or notice so posted up is pulled down, injured, defaced, or damaged by any one, such person may be fined £5.

132. Regulations for the time being in force under the Factory and Workshops Act 1901 shall be judicially noticed.

This means that a judge must count a breach of such regulations as a breach of the law.

TENEMENT FACTORIES.

§ 87. Duties of owner.

133. In a tenement factory, the owner (whether or not he is one of the occupiers), and not the tenant, is responsible for the observance of the Act, and may be punished if he neglects its provisions with regard to

(1.) Cleanliness, freedom from smells, overcrowding, and ventilation (see pars.

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1 and 3), so far as they relate to any engine house, passage, or staircase, or to any room let to more than one tenant; and for the provisions which relate to limewashing and the washing of the interior of a factory.

(2.) The fencing of machinery and penal compensation for neglecting to fence machinery which is his (the landlord's) property, but not for machinery which belongs to or is supplied by the tenant.

(3.) The notices to be affixed in a factory with respect to the period of employment, times for meal, and system of employment of children.

(4.) The prevention of the inhalation of dust, gas, vapour, or other impurity, so far as can be done by the supply of pipes, fans, or other contrivances.

(5.) The affixing of an abstract and notices.

134. A factory occupier, however, may affix in his own tenement or workshop his own notices as to the period of employment, times for meals, etc.; in which case his notice holds good with respect to

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his own workpeople, and not the notice affixed by the owner.

135. The provisions of the Factory and Workshops Act 1901 with respect to the power to make orders in the case of dangerous premises may be made to apply in the case of a tenement factory to the owner instead of the occupier.

136. The owner may be substituted for the occupier, or may be made to carry out the requirements (see pars. 15 and 107) of the Factory and Workshops Act respecting ventilation, etc., or of any order of the Secretary of State with regard to ventilation in the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, if the Secretary of State by order so direct.

137. When the owner of a tenement factory is so substituted for the occupier with respect to any provisions of the Factory and Workshops Act, any summons, notice, or proceeding may be served on or taken in relation to the owner instead of the occupier.

§ 88. Regulations as to grinding of

138. When grinding is done in a tenement factory, the owner, not the tenant, is responsible

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for the observance of the regulations in Schedule 3. (See Appendix.)

cutlery in tenement factory.

139. The owner and the occupier of every such tenement factory must each keep such part of the horsing chains, and of the hooks to which the chains are attached, as are his property, in good and efficient condition.

140. In tenement factories where grinding of cutlery is carried on, the owner must provide instantaneous communication between each of the rooms in which the work is carried on and both the engine room and the boiler house.

141. A tenement factory must be kept in accordance with the conditions laid down in the Factory and Workshops Act; but the owner shall be substituted for the occupier for the purposes of any proceeding in respect of a provision, for the observance of which the owner is responsible.

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COTTON CLOTH AND HUMID FACTORIES.

§ 90. Temperature and humidity cotton cloth.

142. In every room, shed, or workshop where the weaving of cotton cloth is carried on, the moisture in the air must not exceed the number of grains of moisture per cubic foot of air shown in column 1 of the table in the four schedules opposite such figure in column 2 as represents the temperature existing in the cotton cloth factory at that time. (See Appendix.)

143. The temperature must not be raised beyond 70 degrees (except by gas, used for lighting only), unless necessary in the process for the purpose of giving humidity or moisture to the air.

144. The wet-bulb thermometers in the factory are taken as representing the temperature existing in the factory, and are evidence of the amount of moisture in the air.

§ 91. Power to alter table of humidity.

145. The Secretary of State may by order cancel or vary the table relating to humidity in cotton cloth factories, and replace it by another on the following conditions:—

The table of the proposed changes must be laid before both Houses of Parliament, and

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if it is not disapproved by either, after it has been laid before Parliament for forty days the Secretary of State shall publish a copy of the proposed changes in the *London Gazette*, and give a copy to every occupier of a cotton cloth factory who has given notice of humidity of the air being artificially produced in that factory, and after fourteen days from the date of first publication in the *London Gazette* the new table becomes law, and is taken to be the table in Schedule 4.

§ 92. Employment of thermometers.

146. Employers in a cotton cloth manufactory must provide, keep, and maintain in correct working order two sets of standardised wet and dry bulb thermometers, one to be in the middle of the workroom and one at one side of it, or in such other position as the Factory Inspector approves, so as to be plainly visible to the workpeople.

147. The employer, or his manager or some person appointed by him, shall read the thermometers three times a day—between 7 and 8, between 10 and 11, and between 3 and 4 on every day on which workers are employed in the

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factory, and shall record the reading on a form provided for each set of thermometers. The form on which the reading of each set of thermometers is recorded must be hung up near the thermometers, and after duly being filled up must be sent to the Inspector of the District and a copy kept at the factory for reference.

148. A framed and glazed copy of schedule 4 must be kept in a conspicuous position near the thermometers.

§ 93. Notices of inspections when humidity is artificially produced.

149. When humidity is produced by artificial means the employer must, at or before the time when the artificial humidity is commenced, give notice in writing to the Chief Inspector of Factories. (This does not apply to production of humidity by the use of gas for lighting purposes only. It will then be the duty of the Factory Inspector to visit the factory, examine into the temperature and ventilation, and report to the Home Office.)

150. When the employer ceases to use artificial means, he must give notice in writing, and from the date of that notice the foregoing rules shall not apply.

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§ 94. Purity of water.

151. The water used for producing humidity must be pure water, either the ordinary drinking water of the place, or water from some other source pure enough to satisfy the Factory Inspector, and all ducts for the carrying of damp air must be kept clean.

152. The pipes used for the introduction of steam into a cotton cloth factory, in which the temperature is 70° Fahrenheit or over, shall be as small and as short as is practicable, and shall be covered with non-conducting material, so as to raise the heat as little as possible.

153. The standard of ventilation, when humidity is produced by artificial means (except by gas used only for lighting), is nine parts of carbolic acid to ten thousand parts of air.

154. The outside roof of every cotton cloth factory must be kept whitewashed between the 31st of May and the 31st of August, unless some other means of keeping down the heat are sanctioned by the Factory Inspector.

155. In any cotton cloth factory erected

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after the 2nd of February 1898 sufficient and suitable cloak-room accommodation must be provided, properly ventilated, and kept at a suitable temperature.

§ 95. Penalties for non-compliance.

156. Where any of the foregoing provisions with regard to cotton cloth factories are not complied with, the Factory Inspector must give notice in writing to the occupier of the factory of the acts he complains of as being contrary to the law; and if these are continued or not remedied, or are repeated within 12 months after such notice has been given, the occupier is liable for the first offence to a fine between £5 and £10, and for every subsequent offence to a fine ranging from £10 to £20.

§ 96. Application of foregoing provisions to other humid factories.

157. These rules for the guidance of cotton cloth factories shall apply to every textile factory in which the dampness in the air is produced artificially by steaming or other mechanical appliances, and in which the regulations for dangerous trades are not in force. The Secretary of State may, however, modify the requirements stated in paragraphs 134, 135, 138, and 139, and also those of Schedule 4.

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The rules as to cotton cloth factories apply to the employers of men and women equally. They have been given here because a knowledge of the minutiæ of the Act is necessary to an understanding of the spirit of it. One could wish that the cotton spinners had some appeal from the opinion of the Factory Inspector. It would be a little hard on an employer who had not wished to avail himself of special exceptions, if the quality of his water supply (a thing beyond his control) were to fail to "satisfy the Inspector"; but there is very little cause to fear unnecessary prosecution, as the F.L.D., since its institution in June 1899, has not been able to find one case of frivolous and unnecessary prosecution or conviction on technical ground in any case where rules apply equally to women and men.

LAUNDRIES CARRIED ON BY WAY OF TRADE OR FOR PURPOSES OF GAIN.

158. The hours which women are allowed to work are fourteen in the day, exclusive of meal times and absence from work, but not

§ 103. Laundries.

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more than sixty in a week, exclusive of overtime (see par. 163). No woman may be allowed to wash for more than five hours without an interval of half an hour for a meal.

As at first sight fourteen hours seems much too long for the daily employment of any woman, and the general public, which can rarely grasp more than one idea at a time, does not realise that fourteen into sixty goes only 4⅔, no one may wash fourteen hours a day for more than 4⅔ days, which gives laundry workers 1⅓ days' rest instead of the ordinary weekly half day. It must also be remembered that in the small laundries the collecting and washing, starching and ironing, sorting and delivery, are all done on separate days, and consequently each separate class of workers has only a few days on which to earn the week's money.

It would be well if the owners of small laundries were to keep evidence in readiness, that laundries are not the homes of overwork and oppression, to guard against any future attack, since it is almost certain that an attempt will be made to bring their hours into line with those of women who are able to work all the week.

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Some women absolutely prefer a calling in which they have hard work for a few days, and have leisure for the rest of the week; and others, even though they may regret that the calling they follow does not admit of regular hours, would suffer if their work, and consequently their pay, were to be reduced on the only days when there is any work for them to do. The attempt would have the support of the larger laundries, where all processes are done every day. The reduction of hours would not injure them. Instead of losing, they would gain to a certain extent by the ruin of their smaller rivals.

The public should be more on its guard against this tendency to disregard the necessities and rights of the individual and increase the power of the capitalist. We have an object-lesson in America of the evil results of such a tendency.

Moreover, the ruin of the small laundries for the benefit of the larger ones is not the only thing to be feared. A large portion of the work would be sent abroad and so be lost to the country altogether. Already a large amount is sent abroad.

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§ 103 (*c*). Holidays.

159. Laundry women must have the same holidays as are allowed to women in factories and workshops. (See pars. 64–68.)

§ 103 (*d*). Health and safety notice of occupation.

160. So far as regards provisions for health and safety, the prevention of accident, notice of occupation of a factory or workshop, the affixing or putting up of abstracts and notices, and the matters to be set out in those notices (so far as they apply to laundries), powers of inspectors, fines and legal proceedings for any failure to comply with the provisions of the Act, the duty of the laundry employer is exactly the same as the duty of an employer or occupier of an ordinary factory or workshop where steam, water, or other mechanical power is used.

This is perfectly just. Restrictions with regard to health and safety are altogether different from restrictions forbidding a grown-up woman to make money if she should wish to do so.

§ 103 (*e*). Varying of hours.

161. The notice to be fixed in a laundry shall state the periods of employment and meal hours, but these may be varied before work begins on any day.

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162. A woman must not wash in a laundry for four weeks after childbirth. § 103 (4).

The woman may wash at home; probably must, if she has no other means of providing for herself and her child. No Lying-in Hospital will keep her as an inmate for more than a fortnight, even if her state requires a longer rest, which is not always the case.

We must not be understood as maintaining that it is desirable that a woman should work at such a time; but as protesting against the injustice of taking away the liberty of one class of women in this matter while leaving all the rest free, and against the absurdity of, by prohibiting one class of work, driving women to other work—probably harder and less well paid. (See comment on par. 223.)

OVERTIME IN LAUNDRIES.

163. A woman must not work more than 14 hours in any day, and must not work overtime more than 2 hours in any day, nor more than three days in the week, or thirty days in the year. § 103 (Subsec. a)

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In the smaller laundries this overtime should scarcely be required at all, except in emergencies.

164. With regard to notices to Inspectors, par. 60 applies.

165. In the case of a laundry worked by steam, water, or other mechanical power, proper ventilation must be maintained—a fan or other proper means of regulating the temperature in the ironing-room and for carrying away the steam in every wash-house in the laundry must be provided and maintained.

It may be well to state that a proposal to render illegal a temperature higher than 70 degrees in an ironing-room was on the notice paper of the House of Commons during the session of 1901 at a time when the temperature under the trees in Hyde Park was somewhere between 90° and 95°. The proposal was not discussed, being withdrawn at the last moment, but it shows the ignorance with which many men set about regulating female labour.

166. All stoves for heating irons must be sufficiently separated from the ironing-rooms, and

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gas irons giving out unpleasant or harmful fumes are not permitted to be used.

167. Floors must be kept in good condition, and drained so as to allow the water to flow off freely.

168. The following laundries are excepted from the provisions of the Factory Act:—

(*a.*) Laundries in Prisons, Reformatories, or Industrial Schools and other institutions which are subject to inspection under other Acts;

(*b.*) Inmates of an institution conducted in good faith for religious or charitable purposes.

Great objection was made to this last clause on account of the possibility of its being abused by bogus charities—that is, places professing to be charities or rescue homes, but really run by interested persons for private gain. That objection is met by the words, "in good faith." It will of course necessitate some trouble on occasion to find out whether a place is a real or a "bogus" charity, but it is, after all, better that the Inspectors should take a little extra trouble than

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that charitable institutions should be impeded in their work. It must be remembered that an inmate of a rescue home, even if it be in a convent, can leave at any moment if she considers herself oppressed; and that no gain beyond the cost of maintenance being made out of their work, it is no one's interest to oppress them, and that all "Homes," religious and otherwise, are under the authority of the Sanitary Inspector. Moreover, the retention of this clause as it stands advances the principle for which the F.L.D. is struggling—that is to say, the maintenance of the liberty of the just employer and the imposition of heavy penalties and punishments on the sweaters and wilful wrongdoers. A bogus charity prosecuted under this section, condemned by an unprejudiced and impartial magistrate (for the question of "good faith" must be settled on evidence), would be exposed and probably suppressed; whereas it might be a good advertisement for such an institution to be merely condemned for "contravention of the Factory Acts," owing to technical breaches of the law.

169. Laundries conducted by members of the same family living on the premises where the

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washing is done, or where not more than two persons living elsewhere are employed, are exempted from the Act.

A very great effort was made to bring home laundries under the Act, which in many cases would mean abolishing them altogether. And attempts have been made since the passing of the Act to abolish these exceptions. It would therefore be well if the small home laundries were to organise, so as to be ready to meet any future attack upon them.

HOME WORK.

§ 107. Home work. List of out-workers to be kept in certain trades.

170. In the case of persons employed in such classes of work as the Secretary of State may mention by Special Order, the occupier of every factory and workshop, and every contractor employed by any such occupier in the business of the factory or workshop, keeps (*a*) lists, with the prescribed particulars of names and addresses of all the persons employed by him, either as workmen or as contractors in the business of the factory or workshop outside the factory or workshop. and the places where they are employed; and (*b*) sends copies of those lists by February 1st and

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August 1st in each year to the District Council of the district in which his factory or workshop stands.

He must also send copies to the Factory Inspector on demand.

171. If any of the home workers live in a different district, the District Council must forward the names and addresses of the home workers to the Council for their district. The Factory Inspector and any duly authorised officer of the District Council have a right to see the lists kept at the factory, and any Inspector under the Factory and Workshops Act 1901 has a right to see the copies sent to the Council, and the particulars given by one Council to another.

The Act, however, gives the Factory Inspector no power whatever in regard to homes. He cannot enter them or take any steps whatever in connection with them; he can only see that the owner of the factory keeps a list of all workers, and that that list is identical with the one sent to the District Council.

172. The provisions in paragraph 170 apply to any place from which any work is given out, and

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to the occupier of that place, and to every contractor employed by any such occupier in connection with the said work as if that place were a workshop. Non-compliance with or contravention of the provisions of this section renders the occupier of a factory or workshop, or a contractor, liable to a fine of 40s., and in case of a second and other offences to a fine of £5.

§ 108. Employment of person in unwholesome premises.

173. The Home Secretary may make Special Order that certain classes of home work come under the following rule:—

If the District Council within whose district is the place in which work is carried on for the purpose of or in connection with the business of a factory or workshop, give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that such place is injurious or dangerous to the health of the persons employed therein, and the occupier or contractor, after one month from the receipt of the notice, still continues to give out work to be done in that place, and the place is proved to the satisfaction of the Court to be injurious or dangerous, he is liable to a fine of £10.

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(For work concerning which such orders have been made, see page 111 and Appendix C.)

The principle of this is absolutely unfair. It means that if a landlord is so greedy and callous that he leaves premises for which he takes rent in a condition injurious to health, his unhappy tenants, who doubtless would have better homes if they could, are to be deprived of their bread in punishment for his fault, and that employers, if they do not so deprive them, are to be fined; as if idleness and starvation could make an unhealthy home healthy, or as if hard work was not the only chance of the poor to earn money and obtain a better home. It must be remembered that this clause applies only to premises unhealthy for the *workers*, not to those to whom the work goes—an entirely different matter.

It has been argued that this clause will tend to make the bad landlords keep their houses in better condition (the good landlords are outside the question; they need no pressure), but no one who knows how much greater is the demand for homes than is the supply among the very poor can take this seriously. Any premises whatever can find a tenant, and a tenant who will pay rent; whereas

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the struggle the poor have to find a home grows daily greater as the poorer dwelling-places are pulled down to make way for public buildings, railways, and wider streets.

In a certain district not a hundred miles from London, the largest property holder, owing to a quarrel with the heir, refuses to repair, or keep in repair, any building whatever. Houses that would make excellent homes are allowed to fall into decay; when they are so bad that the tenants are compelled to leave them, they stand empty. The lower rooms of one house in this district are occupied by working people; the upper rooms are open to the weather. Any complaints by the tenants are met by the reply that when the place is quite uninhabitable they may go. A long three days' search proved that there was not another house to be had within miles. These people do home work, but fortunately in the open air; if they did it indoors, under this clause either they might starve or their employer be fined.

But fortunately, *might*, not must, for the wording of the clause renders it unlikely to be enforced spitefully or needlessly, or with the inten-

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tion of "driving" the workers into the factories. Action would lie with the District Council, who would have a right to consider whether the house was not less injurious than the open roadway, and the magistrate would gather from the wording that he has power to use his discretion, and decide accordingly.

§ 109. Regulations as to infection.

174. If, knowingly or through culpable ignorance, an employer gives out work to be done in a house where there is scarlet-fever or small-pox, he is liable to a fine not exceeding £10. If he did not know and could not reasonably be expected to know, there is no penalty.

The employer of home workers is, after all, a luckier man than the factory employer whose women, in their eagerness to earn extra money, work a few moments in the dinner hour in a factory without his knowledge. The only fault we have to find with this provision is that the penalty is ridiculously inadequate for such an offence. The man who knowingly spreads infection for his own gain should be treated as a homicide if it can be proved that anyone dies of the disease.

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§ 110. No home work where there is an infectious disease.

175. It is the duty of the District Council to discover and give notice of cases of infection and forbid work to be given to any house until that house should be properly disinfected, even after the infected person has been removed from it.

176. In any case of urgency the powers of the District Council conferred by this section may be exercised by any two or more members of the Council acting on the advice of the Medical Officer of Health.

This section applies to infectious diseases required to be notified, under the law for the time being in force, in relation to the notification of infectious diseases and the work to which this section applies, under the Act and by Special Order of the Secretary of State, as at date of publication.

"The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing-apparel, and any work incidental thereto; the making, ornamenting, mending, and finishing of lace and of lace curtains and nets; upholstery work, and fur-pulling."

There can be nothing but praise for the sections of the Act relating to home work, except on the

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one point already noted, *i.e.*, that two innocent persons may be heavily punished by it for the fault of another. The safety of the public is amply guarded against by the clauses relating to infection, and the reasonable liberty of no private person is touched, for obviously "liberty" to injure their neighbours by spreading infection is lawlessness—not liberty in reality. It is urged upon such employers as have a kindly feeling towards their employees, that they should be at some little trouble to discover and report cases of infection, since their doing so will protect home workers from further attacks, which will be made on the plea of the difficulty of discovering infection, and it would be monstrously unfair that home workers should be subjected to annoyance and invasion of their private life which would not be tolerated in any other class of society.

It may be urged that since we have no objection to the visits of the Sanitary Inspectors, it is unreasonable to object so strongly to the visits of the Factory Inspectors. In reply we may point out again that the duties and authority of the Sanitary Inspector are impartial and extend to the whole community. No one can consider it a

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special grievance to be under the same laws as the rest of the community; but anyone must object to special restrictions applying only to his or her class, and administered by officials among whom are declared enemies of that class as a class. One of the most prominent opponents of home work as home work has declared, in a printed report, speaking of home workers, "We must drive them into the factory."

A prominent official of the political association, which is most insistent in its demands for the putting of home work under the authority of the Factory Inspectors, when speaking in public on the question of home work, declared, "The casual worker is the curse of the trade" (the casual worker in this case being the worker who, from want of time or from ill-health, cannot do a full day's work, but does a little, as much as she must or can).

The casual workers may be or may not be the curse of the trade. If they are, "the trade" has of course every right to fight them, and abolish them if possible; but the danger is that this trade rivalry cloaks itself under philanthropy, and so gains many adherents in its endeavours to persuade legislation to assist it to crush its rivals.

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These philanthropists would be amazed to discover too late that they have been merely assisting the more prosperous among workers to starve their poorer rivals; but the advocates of restriction for women almost invariably argue as if starvation did not exist. A French paper has described them as like clumsy Newfoundland dogs, who drown swimmers in pulling them out of the water. We would go further, and say they are so filled with pity in seeing the scant and unappetising fare of the poor, that they snatch it away and give them nothing in exchange.

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PART II

THE POSITION OF THE EMPLOYED

THE greatest danger, though not the most immediate, of excessive factory legislation lies in its tendency to treat the workers as if they had no duties—as if, like mere animals incapable of taking care of themselves, they must be perpetually taken care of; or even as lower than the animals, for those at least have instincts which keep them from what is dangerous to themselves. Animals which swim badly have the sense to avoid water; and wild animals and birds the discrimination to let alone the herbs or berries which are poisonous to them. Factory legislation assumes that working-women are devoid even of this instinct of self-preservation.

The danger of this tendency lies in the fact that as you treat people, so you will, in a great measure,

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find them. We are told that if a young eel finds its way into a water-pipe, it lives and grows feeding on the animalculae (that is, little animals which exist in the water, so small as to be invisible to us), which it can obtain merely by opening its mouth in the dark; of course it cannot see them. When the eel has grown to full size, it blocks some one's water supply. The pipe is then opened and the eel taken out. *It is invariably found to be quite blind.* It was born with eyes, but since it never had the occasion to use them, it gradually lost them altogether.

In exactly the same way, men and women, if never called upon to exercise their own judgment, their own sense of responsibility, and their own individual idea of right and wrong, lose these qualities. The child who is never taught to think for himself grows into a man who cannot think for himself; the person who is always taken care of never learns how to take care of himself.

The opinion of the average law-maker, as well as of advocates of all "protective" laws, is that women are less able to take care of themselves than are men; that they have less sense of what is right in this matter, and are less careful in

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avoiding danger to themselves or others than are men; or, if this is not their opinion, they act as if it were, making rules for women more stringent than any man would submit to.

Working-women probably know from their own experience that such an opinion is unjust, and everyone might know it who would take the trouble to study a few facts, as, for instance:—

It was not enough that safety lamps for use in mines were invented, that the danger of explosions by gas catching fire might be avoided; no amount of knowledge of the danger prevented the men from opening them. Lamps are now made so that the men cannot open them.

During the Committee on the Factory Act (1901), letters were read begging that the masters might have some power to prevent the men injuring or endangering their own healths, as in the present state of things they were powerless to prevent even such folly as the cooking of food over fires giving off poisonous chemical gases. And in the report of the Chief Inspector of Factories and Workshops for 1900, pages 62 and 63, we find the following statement:—

"We consider it unwise to make any distinction between adult males and other workers on the

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point of medical examination. There would be considerable difficulty in having the women examined oftener than the men. There can be no doubt that the rule has operated beneficially in regard to women and young persons, and we are strongly of opinion that equally beneficial results will follow a monthly examination of adult males. As the examination is an undoubted safeguard, we entirely fail to see why adult males should be deprived of its benefits."

"The handling of the pipe in smoking, or the tobacco in chewing or snuffing, is just as dangerous as the handling of sweets or food. In our opinion this is a most fruitful source of plumbism among male dippers and glost placers, and one which cannot be stopped unless prohibited categorically by rule. Many manufacturers have tried to stop smoking in the places specified, but have met with the remark that there is nothing in the rules against it."

These protests have been unheeded. The deprecated distinction between men and women still exists, and for the present we have to deal with things as they are. Women, who are in no greater danger than men, and who have at least an equal

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sense of duty in the matter of neither endangering their own health nor the health of others, are subjected to restrictions which the men frankly declare they would not submit to. The workpeople in factories or workshops have no legal duties whatever except in the case of dangerous trades, but it is their moral duty and their duty to themselves and each other, no less than their own interest, to remember the following facts, because the infringement of any rules, even if committed without the knowledge and against the order of an employer, results in prosecutions, fines, and general annoyance extremely likely to lead to the dismissal of women workers altogether, and it is therefore the duty of every working-woman to exercise her own sense and discrimination on every opportunity that is left her.

§ 12. Precautions in regard to machinery.

177. A woman employed in a factory must not be in the space between the fixed and moving parts of a machine while it is in motion.

A woman must not clean machinery while it is in motion.

The *Daily Express* lately reported the hearing of a case on appeal of a prosecution against an employer in whose factory this rule, which applies

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also to boys, had been broken: A boy was between the fixed and moving parts of the machinery unknown to the foreman. When the machinery was put in motion he was killed. The report does not show whether in this case the lad or the foreman was to blame, but it was quite obvious that the master was not; nevertheless, though in the end the decision of the first Court that the master was not to blame was upheld on appeal, the master had had the worry, loss of time, and expenses of undergoing two trials because someone had broken rules he was powerless to enforce. This sort of thing embitters the relations between employers and employed, tends to give the employees the idea that they have no responsibility, and gives the employer the feeling that precautions against danger are a useless expense, since the people they are intended to benefit refuse to avail themselves of them.

We should wish to make this point very clear to workers: a woman may think that the saving of time counterbalances the risk to herself, and so be tempted to run risks; all fair-minded women should remember that the law will punish her employer and not herself for her fault, even though

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it be committed against his express orders, and that every time such an incident occurs, the less fair-minded or more careless are encouraged in carelessness by the punishment for their wrongdoing falling, not on themselves, but on another.

§ 21. Witnesses of accidents.

178. It is the duty of any relation, when death has been caused by an accident, to attend the inquest.

The Act gives this as permission, but we urge it as a duty.

179. Any person appointed by the majority of the workpeople (the appointment must be in writing) may also attend, and either themselves or by counsel, solicitor, or agent, may ask questions of any witnesses, subject, of course, to the authority of the Coroner.

This also we would urge as a duty: in the case of any accident the whole truth should be known, so that if the employer is at fault the fact should be made intensely clear; and if he is not in fault morally, but merely technically—that is, if the law was broken without his desire or knowledge and against his wish, but he is held guilty because the Act has been broken—the workers may take

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warning by the fate of their comrade and keep the rules designed for their safety.

The term "agent" means anyone who has the authority of another person to represent him or act in his place: and "subject to the order of the Coroner" means that they are subject merely in the same degree as are all who examine witnesses at an inquest. The Coroner has no power to limit or exclude their questions if they are relevant and in order.

180. Persons acting as witnesses according to paragraph 179 are allowed their expenses, just as they would be if attending an ordinary court of law.

Their expenses are "conduct money," that is, fare to and from home to the place where the inquest is held, and whatever sum the worker would have earned at her or his usual employment. These expenses may be claimed before the witness appears in Court.

181. A person who, having been summoned, fails to appear without good reason after having received his or her expenses is liable to a fine of ten pounds; a person absent with good reason would not be fined.

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The causes, etc., that would be accepted as good reasons are :—

(*a.*) A Doctor's certificate as to unfitness to attend.

(*b.*) Absence abroad (when evidence should be taken on commission before a witness leaves).

(*c.*) Not having received notice.

(*d.*) Enforced attendance at another Court at the same time, etc.

Workers afraid to give evidence lest they should be dismissed in consequence should remember that anyone hindering their giving evidence by such fear renders himself liable to fine or imprisonment for contempt of Court. (See comment on par. 47.)

HOURS OF EMPLOYMENT.

The restrictions limiting women's hours of work should be thoroughly understood by all women, since they are most jealously watched, and infringements of them prosecuted with an extremity of rigour which makes it difficult to believe that those responsible for the carrying out

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of the law are actuated solely by consideration for the welfare of the women concerned, whatever might have been the intention of the framers of the law.

§ 24. Hours in textiles.

182. The period of employment for women in a textile factory except on Saturday must begin at 6 o'clock in the morning and end at 6 o'clock at night, or begin at 7 o'clock in the morning and end at 7 o'clock at night.

Absurd as it may appear, it is illegal to begin at the half-hour. This is probably on account of an oversight on the part of the framers of the bill; it is probable that a daily time limit of twelve hours, counting meal times, was all that was intended, since no sane person could suggest for a moment that it was any greater hardship to begin work at 6.30 than at 6; and one might have expected that such a plain slip would not be rigorously enforced. This is, however, a mistake; magistrates, though discerning the absurdity of the rule, seem to think themselves compelled to enforce it.

At the Police Court, Chester-le-Street, Messrs —— Co., brick makers, were summoned at the instance of one of Her Majesty's Inspectors of Factories in six different cases

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for employing women more hours daily than the Factory Acts specify. It was proved that the women commenced with their work at 6.30 a.m. on August 17, and were found still working at 6.50 p.m.

Counsel for the defence said that in the case in point they did not begin at 6 a.m. As a matter of fact, owing to the time allowed for meals, they actually worked twenty minutes less than the time allowed by the Act.

The Magistrates: If you do not begin at 6 you must wait till 7.

Counsel: If we begin at 6.30, what then?

The Clerk: You break the law.

The Magistrates found there had been a breach of the law, and costs only were ordered to be paid in all the six cases.—*Newcastle Chronical*, Sept. 27.

An employer of women's labour in the printing trade—a kind, honourable man, whose women remain with him all their lives, and are not so hard worked but that they have time to read and take an intelligent interest in the matter they print—gave us an extremely curious piece of information. The folders in his works for the most part live at Tottenham, and come into town by workmen's trains, by which they reach the premises at an odd half-hour. Their work is ready for them: it is piece-work, and they may go home as soon as it is done; it is sometimes done as early as four o'clock. These women naturally do not like to sit with their hands

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in their laps in front of their work and waste half an hour of their day, a half-hour which might be very useful to them in the evening; but if they dare to begin their work, the men employed, who are subject to no such rule, threaten to inform the Factory Inspectors.

Women who find this rule vexatious should talk the matter over among themselves, and send a protest signed by all of them to their local Member of Parliament whenever any amendment of the Factory Acts is under discussion.

183. On Saturday, if work is begun at six and an hour allowed for meals, all work that can be called manufacture must end at twelve, but an extra half-hour is allowed for clearing up and finishing off, and such odd work as cannot be regarded as manufacture.

This concession was made when it was pointed out to the Committee that there was always this work for the women to do after the men stopped work, and that it would be unfair either to stop the men half an hour sooner and so deprive them of half an hour's pay, or to deprive the women of their work altogether.

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184. If less than an hour is allowed for meals, manufacturing must stop at half-past eleven, and all work at twelve.

185. If work is begun at seven, in each case the stopping-time will of course be an hour later than if it began at six, that is, at 12.30 and 1, or 12 and 12.30.

§ 24. Meal times in textile factories.

186. In the twelve hours' day, in textile factories, two hours must be allowed for meals, one hour of which, either all at once, or in parts of an hour, must be before three o'clock.

187. On Saturdays, half an hour at least must be allowed for meals.

Time limit for meals in textiles.

188. No woman may be employed for more than four and a half hours without an interval of at least half an hour for a meal.

Working during meal hours of any kind, if it increases the woman's earnings, is an offence for which the master would be punished even if he were ignorant of it. A woman who disliked sitting idle might, however, bring knitting or mending from home if she wished to do so.

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§ 26. Hours and meal times in non-textile factories.

189. The time of work in non-textile factories may begin either at 6, 7 or 8 and end at 6, 7 or 8: on Saturdays, beginning at the same hours and ending at 2, 3 or 4; only an hour and a half need be allowed for meals, one hour, either in one or two portions, being before three o'clock; half an hour is allowed on Saturdays.

The limit is placed at three, because workers beginning at eight would naturally not require their mid-work rest as early as those beginning at six, as that would make the afternoon period too long; and lest any hard-hearted employer should use this limit to the injury of workers beginning at six, the Act provides that—

Time limit between meals in non-textiles.

190. No woman shall be employed continuously for more than five hours without an interval of at least half an hour for a meal.

These are rules that no fair-minded person can object to; five hours is the utmost limit anyone, man or woman, should work without food, except in cases of great and unavoidable emergency, such as are unlikely to occur in any factory. The difficulty is that since the Act, masters, irritated by the hard and fast rules

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which occasionally result in prosecutions entailing loss of time and fines when no injury has been done, have got to regard the limit of what they may do as the measure of what they will do.

§ 28. Hours in print works, bleaching and dyeing.

191. In print works and bleaching and dyeing works the hours are exactly the same as those of textile factories, except that the time limit between meals is five hours, not four and a half hours.

The time limit for women has been a serious loss to women in the bleaching trade. Miss Jessie Boucheret, in her pamphlet "The Fall in Women's Wages" (office of the *Englishwoman's Review*, 22 Berners Street), gives the following interesting facts and figures:—

"When it was suggested that bleachworks should be subject to limitation of hours of work for women, the employers remonstrated and said that as their work depended on the sun, rain, and wind, the hours were necessarily irregular, and that if women could not be allowed to work irregularly they would be obliged to dismiss them. The remonstrance was disregarded, and the result is shown in the annual report

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of the Chief Inspector of Factories, page 320. In 1890 there were employed in bleaching and dyeing 49,453 males and 19,207 females. In 1895 the numbers were 57,741 males and 18,554 females. These figures show an increase of rather more than 8,000 males and a decrease of 653 females. Now, if no artificial interference had taken place, the probability is that the numbers of both sexes would have increased in equal proportion, which would give an increase of about 6,000 males and 2,000 females, so that nearly 3,000 more women would have been happily employed in a well-paid, healthy occupation than is now the fact."

§ 29. Where no young persons or children are employed.

192. In a workshop where no children or young persons are employed, the twelve hours a woman is allowed to work may be taken any time between six in the morning and ten at night, and on Saturday a period of eight hours between six and four, with one and a half hours for meals during the week, and half an hour on Saturday.

It will be seen that women of the artizan classes are not allowed to work at night; women of the more prosperous classes are left free to do

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as they choose. This has been of great disadvantage to women in the printing trade.

In France there is a daily newspaper entitled *La Fronde* (*The Sling*) devoted to the interests of women. It was conducted and produced entirely by women. Editors, writers, clerks, and compositors were all women. The paper compared most favourably with the average French papers, and all the workers earned good money. The women compositors, who began work at ten in the evening and ended at two in the morning (very much the same hours as an actress or lady in Society keeps), earned from eight to ten francs a day (6s. 7d. to 8s. 4d.). These women, being "working-women," were deprived of their livelihood by the labour laws. The editors, writers, and clerks were left free.

If anyone interested in finding employment for women started a paper in this country on the same lines as *La Fronde*, that same thing would happen. The editor, leader writers, and reporters might do as they pleased, but working-women would not be allowed to set up the type, no matter how well-skilled they were, or how much they desired the high pay.

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§ 30. Special provision as to women working 8 hours.

193. In a non-textile factory, if a woman has not been employed for more than eight hours on any day in the week, and notice that she has not worked has been put up in the factory and sent to the Inspector, the hours in which she may work on Saturday are extended to from six o'clock in the morning to four o'clock in the afternoon, with two hours allowed for meals.

This rule would be excellent if either the employers or the work-women had the gift of prophecy; as it stands, if work was slack in the early part of the week and everyone doing short time, and unexpected work turned up on Saturday, it would have to be left undone if no notice had been sent. We would recommend all women who are anxious not to miss work, which means money, to see to it themselves that notice is sent, whether work is expected on Saturday or not. Those who are in a position to choose the holiday rather than the money they might earn, need not trouble themselves to do so. This would result in the extra work going to those who need and desire it, and those who do not need or desire it keeping their holiday.

§ 31. Prohibi-

194. A woman must not work for her employer

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outside the workshop or factory except during the hours she may work in the factory.

tions of work inside and outside factory.

The late Home Secretary, Sir Matthew White Ridley, in his proposed Bill for the Amendment of the Factory Acts, would have allowed women to be employed in shifts—which would have been a great advantage to employers of women and to the women themselves, since it would have enabled them to follow callings now closed to them. The Women's Industrial Council, in their printed comment on this Bill, objected to this liberty. How do we know, they asked, that a woman who has worked a shift in one factory will not go away and work another shift in another factory? The answer of the Freedom of Labour Defence was—Why do you want to know? Having protected the woman from oppression by limiting the hours an employer may make her work, what right have you to interfere with her voluntary action? The answer was to the effect that women who worked longer than the average wronged the average. This may or may not be so, but the point is that those who are working for socialism, and are practically sacrificing one special class to socialism, have no right to do so under the

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pretence of protecting the very class they are sacrificing.

No work to be taken home.

195. No one having worked her full time in a factory or workshop may take work to do at home from the same factory.

One would be very sorry for a woman who was in such great need that she desired to do this, but if she did, she would have to get work from some other factory—the law does not forbid this.

Woman may work in factory and shop.

196. If a woman who has worked her full time in a factory, works outside that time in the shop connected with that factory, an entry of her work must be made in the Register.

This rule does allow for an emergency, and it is to be hoped it will not be used except in a case of emergency. The working-day as allowed by law is quite long enough for the *average*, but in exceptional cases—if, for instance, it is absolutely necessary to the woman to be absent some hours of the following day, and she could not afford to do so unless she made up the money she would lose in some other way; or if, say, the water-pipes burst after closing time, and the employer needed someone to wipe up the water and remove damageable

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goods to a place of safety. The employer and work-woman are alike to be congratulated that the gift of prophecy is not demanded of them. This rule being so reasonable makes it the more desirable that it should not be abused. (See comment on par. 60.)

197. All women employed in a factory must have their meals at the same time. § 33.

This is a tiresome general rule, as it altogether precludes any manufacturer employing women from making the most he can out of his machinery and his rent by availing himself to the full of the liberty to his workers to begin their day either at six, seven, or eight, and employing two sets of women, so that the machinery may be always in use. Moreover, when one class of workers are employed in finishing what another class has begun, it involves great waste of the time and therefore the money of the workers.

Moreover, this rule makes provision for dining-rooms unnecessarily expensive. To provide dining accommodation for the whole staff at once is very much more expensive than to provide accommodation for dining in two or three shifts.

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The plea that this rule ensures the thorough ventilation of the workroom is idle, since proper ventilation is already prescribed by the Act. (See Duty of Employers, pars. 1, 6, 7, 15, and 107.)

The one thing that can be said for it is that it makes the Factory Inspector's work easier than it would be if it were necessary for him to discover cases of real hardship before prosecuting.

Fortunately, however, there are a good many exceptions to this general rule. (See par. 206.)

198. A woman must not remain in any room where work is being done (even if done by men) during a meal hour.

This rule is an unavoidable consequence of the preceding one. Women are occasionally so anxious to earn a little extra money, that, since their employers would be fined if they did so, it is better that they should not be allowed in the workroom. (For the exceptions to this rule, see paragraph 207.) The instance quoted on page 49 (Part I) shows what may happen to innocent employers if women who happen to be specially industrious or in special need of money have access to the workroom. The subjoined anecdote

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illustrates not only the exact position of women under the Factory Act, but the way it is enforced—not for their protection, but for their restraint.

KIRKHAM PETTY SESSIONS—MANUFACTURERS SUMMONED.—Messrs ——, Limited, were summoned for allowing females to work during meal hours.—The Inspector of Factories stated that the defendant company worked a textile factory at ——, and were summoned for employing two women on Friday, September 27, during meal hours. On that date his assistant visited the mill at 12.43 p.m., and on entering the weaving-shed found the two women mentioned in the summons, along with a number of others, employed in picking cuts. The firm was liable to a fine of £3 in each case.—Mr Preston appeared for the company, and admitted the offences. The defendant had only recently taken over the mill, and had had great difficulty in dealing with the weavers, who wanted to make extra time, though the management did their utmost to prevent them. Defendants promised to exercise more care in the future, and he asked that a nominal penalty only should be

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imposed.—The Chairman said "the magistrates recognised that the firm had *a difficulty in controlling the weavers.* A mitigated fine of 5s. and costs would be imposed in each of the two cases."

§ 34. Prohibition of Sunday working.

199. No woman may work on Sunday, except in Irish creameries. (For a description of Irish creameries, and the way in which, by the tacit consent of the authorities, the entire trade ignored a law which would have ruined the women in it, see comment on par. 78.)

§ 35. Holidays.

200. The compulsory holidays are—in England:—

Christmas Day, Good Friday, and every Bank holiday, unless instead of either of these days another whole holiday or two half-holidays be fixed by the employer, who has to give notice to the Factory Inspector of such changes.

201. In Scotland:—

In burghs, the two days set apart for the Fast, or, if there are no Fast Days, two days fixed by the Town Council; and in places not burghs, two whole holidays not less than three months apart fixed by the employer, and eight half-holidays or

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four whole holidays fixed by the employer. Notice of the holidays must be sent to the Inspector.

202. In Ireland:—

Christmas Day and two out of the following days:—St Patrick's Day (if it does not fall on a Sunday), Good Friday, Easter Monday and Easter Tuesday, and six half-holidays or three whole holidays chosen by the employer. Notice of the holidays must be sent to the Inspector.

It is this exaction of the gift of prophecy which constitutes the special injury to women. If subsequent information would suffice, no one would be wronged; but as things are, women are shut out from unexpected opportunities in a world where the unexpected so very often happens.

203. A half-holiday must be a full half of the working week day—less is not recognised.

Women must remember that however irksome it may be to take a holiday should she not be able to afford the loss of money or have any means at hand of spending it pleasantly, breaking the rule, even by staying ten minutes to finish a piece of piece-work unknown to her employer, would probably result in his being fined.

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This would not only be unfair to him, but might tempt him to give up employing women, since a man would be free to finish the work.

EXCEPTIONS AS TO HOURS AND HOLIDAYS.

§ 39. Exceptions as to hours in certain trades.

204. In non-textile factories the Secretary of State may allow the hours for women to be between 9 a.m. and 9 p.m. on any day but Saturday. Women in lace factories and bakehouses may work the ordinary hours under the Factory Act.

205. In ribbon or trimming or elastic web factories, between the 1st November and 31st March, when work begins at seven—or beginning at six, allows the hour from 7 to 8 for breakfast—the interval between meals may be five hours instead of four and a half. When the Secretary of State is of opinion that the women require the change, and that their health will not be affected by it, he may extend this exception to other trades, and may allow the five hours' shift to the hosiery factories all the year round.

This last has already been done by Special Order. (See Appendix H.)

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206. The rule as to all the women having their meals at the same hour does not apply to Blast Furnaces, Iron Mills, Paper Mills, Glass Works, or Printing Works. § 40. Exceptions as to meals.

207. The rule as to women not being allowed during meal hours in rooms where work is carried on does not apply to (1) Iron Mills; (2) Paper Mills; (3) Glass Works—except in any part of the works where the materials are mixed, or flint glass is made, or grinding, cutting or polishing going on; or (4) that part of any Print Works or Bleaching or Dyeing Works in which the process of drying or open-air bleaching is going on.

The exception to exception 3 is reasonable as things are; to eat where the processes named are going on is dangerous in the extreme. The principle that what is dangerous shall be forbidden, and what is not let alone, is a right principle, but the fact that a special clause should be necessary to make it clear that an employer must not be prosecuted for not turning his workpeople out of a field where linen is drying is somewhat humourous, and shows to what a pass the craze for hard and fast rules had come, and how greatly the amendments of the Factory Acts passed last Session were needed.

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208. When it is proved to the Home Secretary that the class of work done renders it necessary, he may suspend both the rule as to all the women having their meals at the same hour and the rule depending on it, that no one may be in a room where work is being done during the meal hour.

One could wish that he had power to do the like when an employer could and would provide dining accommodation for shifts, which would be much easier than to provide for the whole staff at once. Since the Factory Inspectors themselves have recorded the bitter complaints of the women, that the cold and wet do them more harm when they are turned out into the street than ever the dust or heat did, surely they would not grudge the little extra trouble of inspection that this would involve. They have recommended the compelling of employers to provide dining accommodation, but the purchase of additional premises sufficiently large for the whole staff might be beyond the employer's means, or if not beyond his means, might be impossible if no land near him happened to be for sale.

§ 41. Exception in regard

209. The provisions of the Act do not apply to the women engaged in the fish-curing trade, nor the

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jam-making trade, from 1st June to 31st September, but this exception may be modified if the Home Secretary thinks it necessary. to fish-curing and jam-making.

210. In creameries, provided that the working hours do not exceed the daily or weekly limit, the time for beginning and ending work may be varied, and three hours' work may be done on Sundays and Bank holidays. § 42. Exceptions in creameries.

211. In Turkey-red dyeing, women may work until four o'clock on Saturday if they have abstained from work at some other time, so that the legal number of working hours for the week is not exceeded. For special exceptions as to overtime in Turkey-red dyeing, see par. 221. § 43. Exceptions in Turkey-red dyeing.

212. When it is proved to the Home Secretary that any non-textile trade requires the exception, one or any of the whole or half-holidays may be given to different women on different days; and when it is proved to the Home Secretary that any trade requires the exception, the rule forbidding work both inside and outside a factory or workshop on the same day may be suspended, and changes to suit the Jewish religion may be made. (See pars. 84 and 85.)

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See comments on paragraph 198 for the injustice of using an Act intended to protect women from overwork *against* their will being used as a means of preventing them earning money when they need or desire it.

See also comments on paragraphs 47 and 181 for the absurdity of counting a woman's sworn evidence that she is not oppressed as of no value when an employer is charged under an Act, the intention of which is to prevent oppression and not to enforce socialism on one section of the community.

OVERTIME.

§ 49. Overtime in non-textiles.

213. In non-textile factories and workshops where no children or young persons are employed, women, except those engaged in fish-curing and jam-making, may only work overtime on 30 days in the year, and only 6 hours in any one week, in periods of two hours, to be at the end of the working day, that is from 6 to 8 or 7 to 9 or 8 to 10, according to the time at which their work began, and this only when they have had two hours for meals, half an hour of which must be after five o'clock.

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No one will quarrel with this condition as a condition, because it merely emphasises the general rule demanded by nature and common sense, that no one should be more than five hours without food. We could wish that, by obtaining greater freedom through the widening of their fields of labour till the demand equalled the supply, women could prove strong enough to decide these matters for themselves as men do. The limiting of overtime is harassing. Women ought to be as free as men in this matter; then such women as wished to work overtime could do so, and those who had less need of money or were less strong could refuse. As it is, the limiting of overtime will probably result in all working overtime when there is stress of work, whether they are strong enough to do so without ill results or not, and even if their position makes the extra pay no compensation for the loss of leisure. It is absurd to treat women as if they were all alike in regard to strength, when we all know there is more difference between the strength of one woman and another than between the strength of the average woman and the average man.

To forbid a strong woman, a woman who likes

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work, or a woman who has special need of money, to work no more than the weak woman, the woman who dislikes work, or whose need of money is not great, is as unjust as it would be to demand as much work from the weakest woman as the strongest can endure without hardship. Such a law would not be tolerated for a moment by professional women, or by any man.

We do not say that a long period of overwork is healthy or desirable; neither is it healthy or desirable that a young girl of the more prosperous classes should study 12 or 14 hours a day for the time closely preceding an examination in the hope of passing well; but we do say that if the well-to-do woman is to have this liberty, the poor woman should have it also—her ambitions may not be so extensive, but her need of money is as great as that of the girl studying for her degree.

§ 49 (sub-sec. 1). No overtime where children are employed.

214. No overtime may be worked in non-textile factories and workshops where children and young persons are employed, and the necessity for overtime, and the fact that it will injure the health of no one, must be proved to the Home Secretary before the exception in regard to overtime is extended to any class of factory. (See par. 86.)

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Note that it is only to a "class" of factories, that is, in cases where all the employers in the same trade are agreed, that these exceptions are especially provided. It could be wished that as much consideration should be paid to the needs of the workers as to the needs of a trade, and that whenever the workpeople proved to the Home Secretary that they were neither oppressed nor overworked, and desired that they and their employers should arrange affairs between them, the exceptions to all rules as to fixed hours should be extended to them.

§ 50. Fish-curing, jam and condensed milk making.

215. Women engaged in fish-curing and jam-making, or the making of condensed milk, may work overtime on fifty days in the year.

An attempt was also made to secure more liberty in regard to time for chocolate manufacturers, as chocolate cannot be made in very hot weather; in summer the work has frequently to be stopped during the middle of the day, and this causes loss of time and money to women and employers of women. But this attempt was defeated through the indifference of certain of the larger and wealthier manufacturers, who probably find no difficulty in cooling their work-places. It

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is greatly to be regretted that the larger manufacturers with much capital at their disposal are so ready to accept regulations which are injurious to their less prosperous rivals.

An attempt was also made to include mineral water making among the exceptions, as the demand for it is naturally very much greater in summer than in winter, and in a hot dry summer than in a cold and wet one, so that it is impossible to anticipate the demand for it even if mineral waters kept well, which is not the case; but this attempt was unsuccessful, in spite of the pathetic appeal of certain of the women—"If we don't work overtime in summer we starve in winter."

Many well-meaning people answer this by saying the masters "ought to pay the women better." Whether they ought or not is another matter, but while they do not, it does not mend matters to reduce their ability to do so by limiting their power of earning the most they can with the machinery and workrooms at their disposal.

§ 51. Finishing incomplete processes.

216. In any factory or workshop to which these exceptions apply, if the work is unfinished at closing time, women may remain for half an hour to finish it on any day except Saturday.

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This is excellent, since it allows for emergencies and does not exact the gift of prophecy. If an unforeseen accident interrupts the work, the master is not forced to break faith with his customers through unavoidable delay, and is therefore not discouraged from employing women; while, to prevent concessions given to meet emergencies being habitually abused by bad or careless masters, it is provided that:

217. These extra half-hours, when added to the total number of hours, do not raise the total above the weekly limit.

218. This exception in regard to finishing-off applies to Bleaching and Dyeing Works, Print Works, Iron Mills, Foundries and Paper Mills, when male young persons are not employed at night.

§ 50. Extension of exceptions.

219. These exceptions may be extended by the Home Secretary to any class of non-textile factories or workshops, when it is proved to him that these exceptions are necessary and will injure no one.

§ 52. Exceptions in factories driven by water power.

220. In factories driven by water power, and therefore liable to be stopped by flood or drought, the Home Secretary may allow an extra hour on

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the day's work on any day but Saturday, or the day substituted for Saturday as the weekly half-holiday, provided that no one's meal times are stopped. In factories stopped by drought, this extra hour may be allowed for ninety-six days in any period of twelve months, or in factories liable to be stopped by floods, for forty-eight days in the year, but the overtime must never exceed the time lost in the previous twelve months.

We should have no quarrel with this rule if the Home Secretary were also empowered to regulate the floods and droughts and prevent them at any time from lasting longer than the floods and droughts of the preceding year, or coming at irregular intervals; but suppose there were no interruptions from either for a year, and then it became clear from the state of the weather that in a short time there would be interruptions, as the clause is worded no one could forestall loss by extra work. After a long interruption orders might be lost, and it would be impossible to make good the loss, and women workers would suffer very severely, though the masters could protect themselves by dismissing women and employing men. But for this strange idea of regulating the

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liberty of one year by the needs of the previous year, when the needs are determined by anything so uncertain as the weather, we should have no quarrel with the total time limit. The daily time limit of one extra hour is deplorable. Imagine the feelings of women anxious to earn money, who saw that for reasons entirely beyond their control they would be unable to earn a penny after the next two days, and limited to one hour's extra work, and one hour's extra pay, during the time work was possible, and this only if time had already been lost in the preceding twelve months.

No one would dare to suggest such a restriction on the liberty of wealthier women. Surely these women have as much moral right to work exceptionally long hours—longer than it would be possible to work as a rule, even to the point of extreme fatigue, since they would have only too long a rest afterwards—as well-to-do women who have to study unhealthily hard for examinations during a short period, or girls who go to balls three nights running and stay in bed on the following day.

§ 53. Further liberty in Turkey-red dyeing.

221. A woman may on any day except Saturday be employed beyond the period of employment

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so far as is necessary for the purpose only of preventing damage from spontaneous combustion in the process of Turkey-red dyeing, or from any unexpected harmful change of weather in open-air bleaching.

This rule fixes no time limit, recognising that fire and air are not amenable to Statute Law, and that the behaviour of these two elements in one year is no guide to their behaviour in the next.

INTERMITTENT EMPLOYMENT.

§ 56. Intermittent employment.

222. Flax scutch mills, where no children or young persons are employed, are excepted altogether from the Act.

§ 61. No work for 4 weeks after childbirth.

223. A woman may not work in a factory or workshop for four weeks after the birth of her child.

At the time that Factory Acts were under discussion in Denmark, a letter was received by the F.L.D., written in absolutely good faith, from a Danish Society regarding the application of this rule in England, and asking what provision was made for the woman and her child during this time. Did the State provide for her? or

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her employer? or any Society among the women? We had to answer that there was no provision; the woman might starve, or work elsewhere, or go to the poor-house.

A long rest (provided it does not entail loss of food and anxiety of mind) is undoubtedly good for all women after childbirth, but why is the factory worker to be the one woman judged by the State to be incapable of taking care of her own health at such a time, *while all other women, rich or poor*, are free to injure their health by work or play if they are foolish enough to do so? Moreover, if the average woman can afford to rest, we may take it for granted she will do so without the order of the law; if she cannot afford it, she will of course do other work, probably harder and less well paid, outside the factory.

The writer heard it stated by a working-man at a discussion meeting held in South London that the women of his district were so anxious to make money, even when they did not need it, and could be well provided for by their husbands or elder children, that they would go to work too soon, even to their own injury and the injury of the child. If this is true of

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the women of that district, it is certainly not true of women as a whole; and exceptions might be provided for by the requirement of a medical certificate of fitness, inability to procure which should carry with it a claim on the Government for support — for an industrious working-woman should not be subjected to the indignity of parish relief. This would prevent equally the self or child injury of a conscienceless mother, or the forcing of women in need of money, and fit to earn it at the factory, from being deprived of comparatively easy work, and driven in consequence to go out washing or charring.

Sir Charles Dilke and Mr Tennant last year suggested an amendment which proposed to extend this enforced holiday after childbirth to a period of six months.

The plea urged in defence of this rule, and the extension of it to very much longer periods, is the "good of the race." The insincerity of this is shown by the fact that sacrifices for the good of the race are asked only of women, and of no women except such working-women as are in competition with men, and that no restrictions are placed on the marriages of inebriates, consumptives, or members of families where lunacy is hereditary.

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The fact that no employer would keep a place open so long is the least objection to this interference. The subject is an extremely difficult one to discuss, but it can easily be realised that the practical penalising of childbirth is bound to drive the populace to practices which, once learnt, can never be eradicated, and which are productive of nameless and illimitable evils.

DANGEROUS TRADES.

For a list of dangerous trades, see Appendix B.

§ 76. Restrictions in wet spinning.

224. A woman must not be employed in any part of a factory in which wet spinning is carried on, unless efficient means are employed for protecting the workers from being wetted either by water or steam.

One would prefer that sufficient means should be employed to protect workers in any case. The health of the husband is as important as that of the wife, and consumption or a tendency to bronchitis or pneumonia can be transmitted equally by both parents. The rule, as it stands, simply says: Leave off employing women and your premises may be unhealthy.

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§ 78. Restrictions as to meal-taking.

225. No woman may take a meal or remain in the workroom during the times allowed for meals in the following places :—

(*a.*) The mixing-rooms of glass works.

(*b.*) Works where flint glass is made in any part of the building in which the work of grinding, cutting, or polishing is going on.

(*c.*) Lucifer match works where any process of manufacturing, except that of cutting the wood, is going on.

(*d.*) In earthenware works, the dippers' house, the dippers' drying-room or china-scouring room.

To eat food in rooms where this work is going on is extremely dangerous. It may interest women workers to know that in India a general and almost invariably successful form of murder is for women to take the glass beads of their anklet, crush them into dust, and administer them to an enemy in food. Women who would eat where glass-grinding is going on are treating themselves as these women treat their enemies, and though the result is slower, as very little glass is taken at a time, it is almost as sure.

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The rules which the employer must observe are many, and stringently enforced. The law exacts nothing from the workpeople except in the case of dangerous trades, a list of which will be found in the Appendix. The penalty on workpeople for breaking the regulations as to dangerous trades is rarely enforced. The fact that the law recognises the responsibility of the worker cannot have much effect while the administrative law regards it as unimportant whether the person really to blame, or a person who did his best to prevent the offence, should suffer. Let women gradually teach the law its mistake by scrupulous attention to cleanliness and wise precaution. Let them endeavour to influence the few ignorant, careless, and stupid to leave off their bad habits, and if this fails they will be well within their rights if they make formal complaint to their employers and demand that information should be given to the Factory Inspector, who would be bound to prosecute under section 85, subsection 2, when any worker insists on making herself a danger to the rest, who could make her living just as well without endangering anyone. (See par. 127.)

Miss Constance Smith, in a speech made at the Women's Institute (London), in which she strongly

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advocated the abolition of the use of lead glaze, though admitting that the leadless can only be used by the most skilled workers, stated how she saw a workman scattering poisonous glaze all over himself and the floor. Her suggested remedy was to compel the employer to put down a tile floor which could be easily cleaned; our remedy would be to teach that careless man to have some regard for his own health, and the health of his neighbours, by proceedings under section 85, subsection 2.

226. It is the employer's duty to give to any person occupied in a dangerous trade a printed copy of all the regulations affecting them.

It is therefore the employee's duty to insist on having it; whenever the regulations for women differ from those for men (except in the case of dress), they should lose no opportunity of protesting against that difference, for the making of such distinctions tends, not so much to improved conditions in any trade, as to the exclusion of women from it.

In the China and Earthenware trade, for instance, the women have to submit to a periodical medical inspection, and the men have not.

One can only say that if inspection is good

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for women it is good for men also. Miss Constance Smith, in the speech already referred to, pointed out the great objection the men had to the very idea of holding their positions subject to the control of the doctor. It is probable that enforced submission to inspection would tend to make even the careless workers, such as the man who splashed the lead glaze all over himself and the floor, less indifferent to their own safety and that of their neighbours, if they knew such conduct likely to tend to loss of their work; and since it was admitted by a most ardent opponent of medical inspection, during the inquiry held by Lord James, that if men were inspected at least 80 per cent. would be condemned, they evidently are as much in need of inspection as are the women, while the tendency to exact more precautions from women than from men does not tend to a higher standard of sanitary excellence for all workers, so much as to the narrowing of women's fields of work.

LAUNDRIES.

227. A woman must not work more than 14 hours in the 24, nor more than 60 in one week, § 103. Hours of work in laundries.

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exclusive of meal times. The holidays are the same as in factories and workshops (see pars. 64 to 68). The hours may be varied daily (see par. 161).

It cannot be supposed that anyone recommends such long hours for any woman's habitual work, but that the limit is fixed at fourteen hours prevents the extinction of the smaller laundries, because in small laundries it is usual for the washers to work in the early part of the week, and the starchers and ironers in the latter; and therefore if they were not allowed long hours on the days when there is work for them to do, they could not earn enough to keep themselves.

In large steam laundries, where all the processes are going on constantly, it would be quite possible for the hours to be shorter; an amendment regulating them would have been included in the Bill, had not the advocates of restriction insisted so strongly on the inclusion of the small home laundries in the amendment, that the promoters of the Bill, realising that rules perfectly possible to large concerns with much capital at their disposal would be ruinous to small home laundries, dropped the amendment altogether.

228. No woman must work longer than five

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hours without an interval of at least half an hour for a meal.

229. A woman must not work in a laundry within four weeks after childbirth.

For the hardships created by this rule, see comments on pars. 162 and 223. The excuse for it is that women who wished for such a rest and could afford it, would say that they preferred to work, through fear of dismissal. For the answer to this, see comments on par. 47.

Exception of prison laundries.

230. Laundries in prisons, reformatories, industrial schools, and other institutions subject to inspection under any other Acts of Parliament, are exempted altogether from this Act.

Exception in charitable institutions.

231. Laundries in religious or charitable institutions conducted in good faith are exempted.

As no profit is made in such places, it is to no one's interest to overwork the women, so there is no excuse for putting them under the Factory Acts; moreover, since the inmates can leave if they desire to do so, they do not need the same inspection as prisons, industrial schools, and reformatories.

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Charities not "conducted in good faith"—that is to say, bogus charities professing to be run for the good of the inmates, but really worked by interested persons for their own profit—will be very much more effectually put down by the exposure of their nature which the application of this Act as it stands would entail, than by mere prosecution under the Act as it applies to other laundries in company with many people guilty only of technical offences.

Exception of home laundries.

232. Laundries conducted by members of a family in their own home, employing not more than two assistants not living in the house, are exempted. (See comment on par. 169.)

HOME WORK.

§§ 109, 110. No work to be done in infectious places.

233. No woman must do home work in a house where anyone is suffering from scarlet fever or smallpox, or after a person so suffering has been removed until the house has been thoroughly disinfected. The carrying out of this rule is left to the District Council and the Medical Officer of Health. *The Factory Inspector has no power to enter any house.*

This is most just and reasonable. In demand-

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ing that all women as well as men should have liberty to arrange their own work and play to suit their own needs and requirements, and to earn as much as they can when they can, or as little as they like if they do not happen to be ambitious or in great need, we must never forget that no one should have liberty to injure his neighbours. Recklessness in the matter of infection is a crime. True, it generally proceeds from ignorance of the nature of the danger—an ignorance that one hopes to see enlightened through discreet and vigorous action on the part of the District Council.

We would especially urge women in all cases of infectious illness to stop their work and be themselves the first to give notice to the District Council in the case of infectious illness.

Home work has been threatened again and again with harassing and unjust interference. The plea has always been the danger of infection being spread through the work done, though, from the tone of the exponents of it, one could not but believe that the desire to benefit the factory workers at the expense of the home workers was not without its influence upon them.

Mr Macdonald, Secretary of the Women's

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Industrial Council, one of the most ardent advocates of restriction, speaking on the subject of home work at a meeting held at the Women's Institute, declared with much vehemence that the "casual workers are the curse of the trade"—the casual workers being the workers who, not having time or health for the full day's labour, did what little they could to increase their income. Now, the casual workers may or may not be the curse of the trade. If they are, the trade may have a right to oppose them, harass them, and abolish them if they can; but no one has a right to cloak trade rivalry under a profession of philanthropy, and pretend that they do for the good of the home workers themselves, or for the safety of the public at large, what is really done for other reasons.

The full enforcement of this wise regulation as to infection will take away all excuse for further interference on the plea of public safety. It is to be hoped, therefore, that women will remember that carelessness in the matter of infection is not only wrong and dangerous in itself, but likely to lead to unjust interference with their work on the plea that the reasonable and just rule is insufficient.

Again, one could wish that in a short time,

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when the danger of infection is more thoroughly understood by the working-classes, punishment for carelessness in this as in other matters should fall on the careless workers as well as on the careless employers (see comments on pars. 113, 225 and 226); but in this case the employer is more fairly treated than any other employer, for he will not be punished if he can prove ignorance of what his workpeople were doing; that is to say, we have got half justice—the man who has not done wrong will not be punished—and it is not vindictiveness but love of right-doing that makes us desire the other half also, and it may in time be granted, namely, that the person who does the wrong shall be punished. It was a very great man who said that mercy to wrong-doers was cruelty to those who do well. The home worker who knowingly spreads infection is not only a danger to the public at large, but a greater enemy to clean, honest home workers than their rivals who would abolish home work in the interests of factory work; for without his aid these trade rivals could not make their attack from behind the shelter of a professed desire for public safety, and so win the support of many sincere people.

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DOMESTIC FACTORIES AND WORKSHOPS.

234. In a domestic factory or workshop, with regard to the hours of labour, women are as free as men; they are also as free as men in regard to their meal hours, and may take their meals altogether or in turn as may be most convenient, and may use the same liberty as men with regard to holidays.

As this is the one instance in which grown-up women are treated on terms of equality with men, it is earnestly hoped that women will not allow this liberty to be used for their disadvantage by unscrupulous employers.

EXCEPTIONS REGARDING DOMESTIC FACTORIES.

§ 112. Dangerous work.

235. If the work carried on in the domestic factory is one certified by the Home Secretary as dangerous, all the rules regulating dangerous employments shall apply to it.

§ 114. Work which does not make a home a factory.

236. Straw Plaiting, Pillow Lace Making, and Glove Making done at home are quite free from the operation of the Act in every way; it does not apply to them at all.

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237. When it is proved to the satisfaction of the Secretary of State that, by reason of the light character of the work done in any house, regulations are not needed, he may include that work among the exceptions.

238. The making of any article or part of an article, or the altering or repairing or ornamenting or finishing any article, or the adapting of any article for sale, does not make a home or room a workshop, when the work is done at odd times and does not furnish the whole or principal means of living to the family.

§ 115. Meaning of "Domestic Factory."

239. A domestic factory or domestic workshop means a private room, or any place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop, though no mechanical power is used, and only the members of the family are employed; that is to say, unless they work at the trades named in par. 236, or do not work their whole or principal time on the trades named in par. 238, getting their chief means of living from elsewhere.

For the special orders concerning home work,

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see Appendix, pages 172–175. For comments on the rules as to home workers, and the motives underlying efforts for their restriction, see Position of Employers, pp. 106–114.

With regard to the Act as a whole, it will be seen that while the rules concerning the employment of women are of such a nature that, although obviously intended by the majority of Parliament for the protection of women from oppression by selfish and hard-hearted masters, it is possible for them to be applied when no oppression exists to prevent women earning extra money, when they are not only willing, but so eager to do so that they will do it against the orders of their employers, in spite of printed notices of penalties, and secretly if they can. One can scarcely blame the women, for no law ever is respected which goes counter to common sense and the instinctive idea of justice of every sane person. A woman knows that if she is able to do so, and has the opportunity, it is no moral crime to work hard. She knows that women in more prosperous circumstances would be free to do so, and cannot see why she should be fettered. It is useless to pretend for a moment that there is any moral wrong

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in what she is doing, merely because the law forbids it; there are many laws still in existence which are broken every day by the most blameless members of society because they have been found foolish, oppressive, or unnecessary.

Industrious women are certainly in a dilemma, because if they continually break these rules their employers will be fined, whereas if they keep them scrupulously the advocates of restriction will take their doing so as a proof that they are not unpopular, and insist on their standing should any attempt be made to relax them in the future.

When one speaks of the advocates of restriction, it must be remembered they are of two classes—the good people who really believe that restriction tends to the good of the workers, and those who, under colour of sympathy for the women, seek to use the Act as a vehicle of socialism. Most certainly the good of the women was the first thought of the legislators who guided the Bill through Parliament. But if one considers such cases as that given on page 136, one cannot but believe that those whose sole thought was for the good of the women would be less well pleased with the results of the Act than those whose approval of restriction was the result of the socialistic

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idea that it is wrong for one person to work more than her neighbour cares to work.

We should recommend all women to keep the rules with the most careful exactitude, lest the penalties the employers suffer for their infringement should induce them to employ fewer women; but lest their obedience to law should be mistaken for approval of it, let all women who find restrictions cause them loss or inconvenience, and all women who claim to enjoy the liberty men would certainly refuse to give up—namely, the liberty to earn extra money when they have the chance—consult with each other, and come to an agreement together, so that if at any time their acquiescence was made an excuse for further restriction, they could with as little delay as possible lodge protests with the local Member of Parliament.

With regard to the exceptions, it will be seen that they render the Act extremely elastic, but extremely complicated. There are doubtless reasons for the variety of the exceptions; but anyone who has watched a Bill through Parliament cannot but see that many of the exceptions were conceded because those who would have suffered under the general rule

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were strong enough to make themselves heard. Inconveniences to employers or to the public are more likely to be considered than inconvenience to the workers, not because Government is indifferent to the needs of the workers, but because the employers and the public have opportunities for making themselves heard. A minority of trade unionists are more likely to be heard than a majority of non-unionists, because they are organised and the non-unionists are not. Workingmen are directly represented in Parliament, and women are not. When Mr John Burns said there was no real objection to women being prohibited from working after a certain hour in a certain trade when the work *must be done after that hour*, because men or boys could be taken on instead of women, there was no working-women's member to take up the word for them. That the prohibition was not agreed to was a happy accident, not due to any thought of the needs of the women.

Protests lodged with the local Member are the best way to meet this difficulty. The formation of Unions to speak for the women would be a matter of time, difficulty, and expense; but the women in any factory might make their case known to

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their local Members at the expense of a little stationery and a postage stamp.

It will be seen that the Factory Act as amended places much power in the hands of the Home Secretary. If one could always guarantee that the Home Secretary should be of a judicial and impartial disposition, this would work for good rather than evil, but a change of Ministry might at any time result in the appointment of a Home Secretary of strong restrictionist sympathies, and the livelihood of tens of thousands of women would then be at his mercy. And though no Home Secretary would suddenly or immediately reverse the policy of his predecessor, the tendency would certainly be towards increased restriction of women.

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APPENDICES.

APPENDIX A.

Powers of Factory Inspector.

§ 119. Powers of Inspectors.

(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

(*a.*) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(*b.*) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any

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serious obstruction in the execution of his duty; and

(*c.*) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(*d.*) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(*e.*) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(*f.*) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the

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preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(*g.*) To exercise such other powers as may be necessary for carrying this Act into effect.

(2.) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop.

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or conceals or prevents, or attempts to conceal or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

Provided that no one shall be required under

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this section to answer any question or to give any evidence tending to criminate himself.

(4.) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night twenty, pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

§ 120. Right of inspector to conduct proceedings before magistrates.

An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information,

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complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

§ 121. Certificate of appointment of inspector.

Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if so required, produce the said certificate to the occupier.

APPENDIX B.

List of Dangerous Trades.

Processes in the manufacture of white lead.

Processes in the manufacture of paints, colours, and in the extraction of arsenic, enamelling iron plates.

Processes in the manufacture of lucifer matches, except such as are made of red phosphorus.

Processes in the manufacture of earthenware.

Processes in the manufacture of explosives in which di-nitro-benzole is used.

Processes in chemical works.

Processes in quarries.

Processes in the manufacture of red, orange, or yellow lead.

Processes in lead smelting.

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Processes in the turning and enamelling of iron hollow ware.

Processes in electric accumulator works.

Processes in flax mills and linen factories.

Processes in the turning and enamelling of metal hollow ware and cookery utensils.

Processes in which yellow chromate of lead is used, or in which goods dyed with it undergo the process of bundling, nodling, winding, reeling, weaving, or any other treatment.

Processes in the mixing and casting of brass, gun-metal, bell-metal, white metal, delta metal, phosphor, phosphor bronze, and manilla mixture.

Process of sorting wool, goat-hair, camel-hair, and the processes incidental thereto.

Process of bottling aerated water and the processes incidental thereto, including the examining and labelling of bottles.

Process of vulcanising india-rubber by means of bisulphide of carbon, and the processes incidental thereto.

Process of sorting foreign hides and skins, and dry East Indian hides and skins, and the processes incidental thereto.

Processes in the manufacture and decoration of earthenware and china.

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Processes in the dusting of colours on adhesive surfaces for the purpose of making transfers for use in the manufacture or decoration of china.

Process of glazing bricks with the use of lead.

Processes of sorting, willeying, washing, combing, carding wool, goat-hair, camel-hair, and processes incidental thereto.

APPENDIX C.

STATUTORY RULES AND ORDERS, 1901. No. 983.

FACTORY AND WORKSHOP.

Home Work.

THE HOME WORK ORDER OF 11TH DECEMBER 1901.

In pursuance of the powers conferred on me by Sections 107, 108, and 110 of the Factory and Workshop Act 1901, I hereby make the following Order:—

I. Section 107 (relating to lists of out-workers) and Section 108 (relating to employment in unwholesome premises) shall apply to the following classes of work:—

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The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto;

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;

Cabinet and furniture making and upholstery work;

The making of electro-plate;

The making of files; and

Fur-pulling.

II. Section 110 (relating to the prohibition of home work in places where there is infectious disease) shall apply to the following classes of work:—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto (as in the said section specified);

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;

Upholstery work; and

Fur-pulling.

III. The lists of out-workers required to be kept by Section 107 and the copies thereof shall

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be kept and made in the form and manner and with the particulars shown in the Schedule hereto.

The Order of 23rd March 1898 relating to lists of out-workers is hereby revoked.

This Order may be referred to as the Home Work Order of 11th December 1901, and shall come into force on the 1st January 1902.

Chas. T. Ritchie,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
11th December 1901.

SCHEDULE.

List of Out-workers.

A correct list of out-workers employed in the following classes of work :—

(*a.*) making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto ;
(*b.*) making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;
(*c.*) cabinet and furniture making and upholstery work ;
(*d.*) making of electro-plate ;
(*e.*) making of files ;
(*f.*) fur-pulling ;

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must be kept in the form and with the particulars specified below in the factory or workshop or place from which the work is given out, and must be open to inspection by H.M. Inspectors and the officers of the local authority; and a copy of the list signed and dated and corrected up to that date must be forwarded to the local authority of the district on or before the first day of February and the first day of August in each year.

In order that the list may be correct, the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

Factory, Workshop, or Place from which the work is given out. } Full Postal Address.....
Business.....
Name of Occupier.....

LIST OF PERSONS directly employed by [a] [b] in the business of, but outside, the above Factory, Workshop, or Place, in the classes of work specified above.

(a) Give name of employer.
(b) Say whether the occupier or a contractor employed by the occupier.

Name in full. (1.)	Whether employed as Workman (W) or Contractor (C). (2.)	Place of Employment, *i.e.* place where the work is actually done. (3.)	Address. [*No entry need be made in this column if the entry in column (3) is a sufficient address.*] (4.)

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APPENDIX D.

STATUTORY RULES AND ORDERS, 1902.
No. 23.

FACTORY AND WORKSHOP.
Health.

ORDER OF THE SECRETARY OF STATE, DATED JANUARY 17, 1902, MODIFYING THE PROPORTION OF CUBIC FEET OF SPACE TO BE PROVIDED IN A WORKSHOP USED AS A SLEEPING PLACE.

In pursuance of the power conferred on me by Sub-section (3) of Section 3 of the Factory Act 1901, I hereby direct that, where a workshop other than a domestic workshop is occupied by day as a workshop and by night as a sleeping place, the proportion of cubic feet of space prescribed in Sub-section (1) of the said section shall be modified by substituting "four hundred" for "two hundred and fifty," and accordingly such workshop shall, for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons to be employed therein if the number of cubic feet of space in any room

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bears to the number of persons employed at one time in the room a proportion less than four hundred cubic feet to each person.

Chas. T. Ritchie,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
17th January 1902.

APPENDIX E.

STATUTORY RULES AND ORDERS, 1902.
No. 59.

FACTORY AND WORKSHOP.

ORDER OF THE SECRETARY OF STATE, DATED FEBRUARY 3, 1902, AUTHORISING THE PARTIAL SUBSTITUTION OF ANOTHER DAY FOR SATURDAY IN NEWSPAPER PRINTING OFFICES.

Whereas by an Order dated the 20th December 1882, a special exception was granted to occupiers of non-textile factories in which is carried on the printing of newspapers, authorising them to sub-

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stitute, by notice affixed in the factory, some other day for Saturday as regards the hour at which the employment of women, young persons, and children is required to end on Saturday, and it was provided by such Order that, while such special exception was acted on, the said Act should apply in every such factory in like manner as if the substituted day were Saturday and Saturday were an ordinary workday:

And whereas by Section 43 of the Factory and Workshop Act 1901, it is enacted that the Secretary of State may, in the case of such factories, authorise the subtitution of some other day for Saturday in respect of some of the young persons therein employed:

Now, I, the Right Honourable Charles Thomson Ritchie, one of His Majesty's Principal Secretaries of State, in pursuance of the said section, hereby grant a special exception authorising the occupier of every such factory as aforesaid to substitute some other day for Saturday in respect of some only of the young persons employed therein, subject to the condition that a list of the young persons in respect of whom another day is sub-

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stituted shall be kept constantly affixed in the factory.

Chas. T. Ritchie,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
3rd February 1902.

APPENDIX F.

STATUTORY RULES AND ORDERS, 1902.
No. 79.

FACTORY AND WORKSHOP.

Health.

ORDER OF THE SECRETARY OF STATE, DATED FEBRUARY 4, 1902, PRESCRIBING A STANDARD OF VENTILATION FOR CERTAIN HUMID TEXTILE FACTORIES OTHER THAN COTTON CLOTH FACTORIES.

In pursuance of the powers conferred on me by Section 7 of the Factory and Workshop Act 1901, I hereby prescribe that the means of ventilation to be provided and maintained in every textile

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factory, not being a cotton cloth factory, in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which Special Rules or Regulations with respect to humidity are not for the time being in force, shall be such as to supply during working hours not less than 600 cubic feet of fresh air per hour for each person employed.

Chas. T. Ritchie,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
4th February 1902.

APPENDIX G.

STATUTORY RULES AND ORDERS, 1902. No. 353.

FACTORY AND WORKSHOP.

Limewashing, &c.

ORDER OF THE SECRETARY OF STATE, DATED MARCH 26, 1902, GRANTING SPECIAL EXCEPTIONS:—LIMEWASHING, &C.

Whereas the Factory and Workshop Act 1901, Section 1, Sub-section (3), provides as follows:—

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> For the purpose of securing the observance of the requirements of this Act as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed:

And whereas by Sub-section (4) of the same section power is given to a Secretary of State to grant special exceptions to such provisions:

And whereas it appears to me that in those parts of electric generating works and in those frame dressing rooms of Lace Factories or Lace Warehouses in which the number of cubic feet of space

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bears to the number of persons employed therein at one time a proportion not less than 2,500 to every person, the provisions of the said sub-section are not required for the purpose of securing therein the observance of the requirements of the Act as to cleanliness:

Now, I, the Right Honourable Charles Thomson Ritchie, one of His Majesty's Principal Secretaries of State, by this Order, made under Section 1 of the Factory and Workshop Act 1901, grant to the following factories and parts of factories,

ELECTRIC GENERATING WORKS,

FRAME DRESSING ROOMS OF LACE FACTORIES OR LACE WAREHOUSES,

a special exception that the regulations in Section 1 of the said Act shall not apply thereto;

Provided—

(1.) that the special exception shall not apply to any part of a factory which does not afford clear 2,500 cubic feet for each person employed therein;

(2.) that nothing in this Order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by Sub-section (1) of the said section.

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(3.) that if it appear to an inspector that any part of a factory to which this exception applies is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

This Order shall come into operation on the 1st of April 1902, and shall continue in force until revoked.

Chas. T. Ritchie.

Whitehall,
26th March 1902.

APPENDIX H.

STATUTORY RULES AND ORDERS, 1902. No. 379.

FACTORY AND WORKSHOP.

ORDER OF THE SECRETARY OF STATE, DATED MAY 12, 1902, AS TO FIVE HOURS' SPELL IN HOSIERY FACTORIES.

In pursuance of the power conferred on me by

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Section 39 of the Factory and Workshop Act 1901, I hereby extend to HOSIERY FACTORIES the exception in that section mentioned, by which a woman, young person, or child may be employed continuously for five hours without an interval for a meal, provided

(*a.*) that the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and

(*b.*) that the whole time between that hour and eight o'clock is allowed for meals.

And I further direct that the limitation of the said exception to the period between the 1st day of November and the following last day of March shall not apply to Hosiery Factories: provided that the exception shall apply to any Hosiery Factory only during such period of the year as may be specified by the occupier in the notice which an occupier availing himself of a special exception is required by Section 60 of the said Act to serve on the Inspector and to exhibit in the Factory.

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So much of the Order of 20th December 1882 as applies to Hosiery Factories is hereby revoked.

Chas. T. Ritchie,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
12th May 1902.

APPENDIX I.

STATUTORY RULES AND ORDERS, 1902.

No. 463.

FACTORY AND WORKSHOP.

Fruit Preserving.

ORDER OF THE SECRETARY OF STATE, DATED JUNE 17, 1902, PRESCRIBING CONDITIONS TO SPECIAL EXCEPTION:—FRUIT PRESERVING.

In pursuance of Sections 41 and 58 of the Factory and Workshop Act 1901, I hereby order that the following conditions shall be observed in factories and workshops in which

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women and young persons are employed in the process of cleaning and preparing fruit, in pursuance of the special exception allowed by Section 41:—

(1.) There shall not be less than 400 cubic feet of air space to each person employed in any room in which persons are employed in pursuance of the said special exception.

(2.) If any process carried on in any room in which persons are employed in pursuance of the said exception involves the giving off of steam, fans or other means of proper construction shall be provided, maintained, and used for carrying away the steam from the point at which it is given off.

(3.) The floors shall be kept in good condition, and adequate means shall be provided for draining the wet away from the workers.

(4.) No female young person shall be employed to lift, carry, or move any weight so heavy as to be likely to cause injury to such young person.

(5.) A woman or young person shall not be

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employed continuously for more than five hours without an interval of at least half an hour.

(6.) No young person under 16 shall be employed before six o'clock in the morning or after ten o'clock in the evening.

(7.) No woman or young person shall be employed in pursuance of the said exception who has since the first day of October last preceding been employed by the same occupier outside the ordinary period of employment in pursuance either of the special exception with respect to preserving or curing of fish under Section 41 or of any special exception under Section 50.

(8.) On every day on which a woman or young person is employed in pursuance of the said special exception, the occupier shall enter in the prescribed register, and report to the Inspector for the district in the prescribed form, the hour at which the fruit arrived at the factory or workshop, the processes on which women or young persons were employed in pursuance of the exception, the periods of employment of such women and young persons, and the intervals allowed them for meals.

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This Order shall come into operation on the 23rd day of June 1902.

Chas. T. Ritchie,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
17th June 1902.

APPENDIX J.

STATUTORY RULES AND ORDERS, 1902.

No. 465.

FACTORY AND WORKSHOP.

Creameries.

ORDER OF THE SECRETARY OF STATE, DATED JUNE 9, 1902, GRANTING SPECIAL EXCEPTIONS:—CREAMERIES.

In pursuance of Section 42 of the Factory and Workshop Act 1901, I hereby grant the following special exceptions to creameries in Ireland:—

(1.) During the months of May to October inclusive women and young persons may be

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employed during a period of employment which shall on Saturdays, or any day substituted for Saturday, in pursuance of Section 43 of the Act, begin at six o'clock in the morning and end at two o'clock in the afternoon, on the other week days begin at six o'clock in the morning and end at nine o'clock in the evening, and on Sunday and holidays begin at six and end at nine o'clock in the morning, subject to the following conditions:—

(i.) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal;

(ii.) There shall be allowed for intervals on Saturday, or the day substituted for Saturday, not less that one hour, and on the other week days not less than five hours, including the whole time from twelve noon to four o'clock in the afternoon;

(iii.) No overtime shall be worked in the creamery in pursuance of any other exception.

(2.) In creameries where the above exception

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is not used, women and young persons may be employed during the said months on Sunday and holidays from six to nine o'clock in the morning, subject to the following conditions:—

(i.) An interval of not less than half an hour shall be allowed within the period of employment on each week day, in addition to those required by the Act;

(ii.) No overtime shall be worked in the creamery in pursuance of any other exception.

Chas. T. Ritchie,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
9th June 1902.

NOTE.—Before this exception is used in any creamery, a notice must, in pursuance of Section 60 of the Factory and Workshop Act 1901, be posted in the creamery showing the beginning and end of the period of employment and the intervals to be allowed, and a copy of such notice must be sent to the Inspector. The notice must be kept affixed so long as the exemption is used.

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APPENDIX K.

STATUTORY RULES AND ORDERS, 1902.

No. 503.

FACTORY AND WORKSHOP.

Special Exception:—Overtime, Butter-making, &c.

ORDER OF THE SECRETARY OF STATE, DATED JUNE 27, 1902, WITH REGARD TO THE OVERTIME EMPLOYMENT OF WOMEN IN THE MAKING AND MIXING OF BUTTER AND THE MAKING OF CHEESE.

In pursuance of the power conferred on me by Section 49 of the Factory and Workshop Act 1901, I hereby direct that the special exception in the said section mentioned by which the period of employment of women may on certain days and subject to certain conditions be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening, shall be extended to the non-textile

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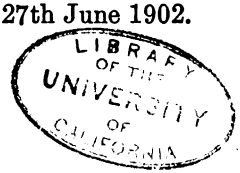
factories, or parts thereof, in which the following processes, or any of them, are carried on, viz.:—

The making and mixing of butter;
The making of cheese.

And, in pursuance of the power given to me by Section 59 of the said Act, I revoke the Order made on the 18th day of August 1893 under Section 56 of the Factory and Workshop Act 1878, with respect to non-textile factories in which are carried on the occupations of preparing cream and making butter and cheese.

Chas. T. Ritchie,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
27th June 1902.



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DEFINITIONS.

Occupiers.—As used in the Act means the employer of workpeople, whether the owner of the factory or workshop or merely a tenant.

Tenement Factory, or workshop.—Factory let to various workers, even if the machinery used by all the workers is driven by the same power.

Textiles.—Anything woven by machinery, except print, lace, flax scutch, ropes, and hat-works, which, together with all articles not woven, are non-textile.

Woman is a female over eighteen.

A week is counted from midnight on one Saturday to midnight on the next.

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